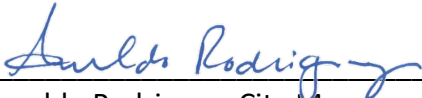


REPORT TO CITY COUNCIL

Approved by:





Arnaldo Rodriguez, City Manager

Council Meeting of: March 4, 2020

Agenda Number: B-10

SUBJECT:

Consideration of a Resolution Authorizing Submittal of a Joint Application to the California Department of Housing and Community Development for Infill Infrastructure Grant Program Funding in an Amount Not to Exceed \$6 Million to Construct Off-Site Improvements for a 52-Unit Affordable Apartment Complex (Sugar Pine Village formerly known as Madera Village) and Approving a Memorandum of Understanding with Self-Help Enterprises to Apply as Joint Applicants for Said Funds

RECOMMENDATION:

Staff recommends City Council (Council) approve the Resolution authorizing submittal of a joint application for Infill Infrastructure Grant (IIG) funding and approving the proposed Memorandum of Understanding (MOU) between the City of Madera (City) and Self-Help Enterprises (SHE).

SUMMARY:

The California Department of Housing and Community Development (HCD) announced a Notice of Funding Availability (NOFA) for approximately \$194 million in funding for the IIG program. The City received a letter from SHE requesting to partner with the City to submit a grant application under this program on January 23, 2020 (Attachment 1).

This resolution authorizes the City to jointly apply for IIG funds with SHE in an amount not to exceed \$6 Million for off-site improvements in conjunction with the proposed 52-unit apartment complex (Sugar Pine Village, formerly Madera Village), and if awarded, execute the required documents in connection with the HCD IIG award. The resolution also approves an MOU with SHE concerning the joint application and implementation of the grant.

DISCUSSION:

SHE is proposing to develop Sugar Pine Village, formerly known as Madera Village, a 52-unit project located on E. Lewis Street off of Madera Avenue (HWY. 145). According to the staff report to the Planning Commission from January 8, 2019, this development would be comprised of 4 three-story buildings with recreational amenities including a playground area, and a community center (Attachment 2).

The project site is immediately southwest of the State Route 99 right-of-way. Vacant commercial and residentially zoned lands are located in the southeast. A single-family residential neighborhood is located to the south and west, with a Carl's Jr. restaurant located to the west, a short distance beyond residential development. The site will use access from E. Lewis Street, a local street currently serving the Carl's Jr. restaurant and six single-family homes. (Attachment 3)

SHE is requesting to partner with the City to further the project by applying for the HCD IIG program. The purpose of the program is to provide grants for Capital Improvement Projects in support of Qualifying Infill Projects or Qualifying Infill Areas. Funding for this NOFA and program requirements are provided under Assembly Bill 101 (Stats. 2019, ch. 159, § 20) and Part 12.5 (commencing with section 53559) of Division 31 of the Health and Safety Code.

IIG is grant assistance available as gap funding for infrastructure improvements required for specific residential or mixed-use infill development. Application selection criteria includes housing density, project readiness, access to transit, proximity to amenities, and housing affordability. Funds will be allocated through an Over-the-Counter process for Small Jurisdictions.

On SHE's website, SHE espouses to

“develop quality, affordable rental apartments to serve the housing needs of low-income Valley residents and underserved farmworker communities. Residents in these underserved communities face over-crowding and overpaying with most farmworkers struggling to obtain decent, affordable housing for their families. Affordable rental apartments are important to the sustainability of communities and developing an overall vibrant community. SHE operates 32 other rental communities. They are professionally managed and are located near schools, bus lines and other community services. The rental housing communities are developed with ample space inside and outside along with plenty of green space and play areas for children. They also feature multi-use community centers complete with computer labs and kitchen facilities.”

City staff has developed the proposed resolution and MOU and request that Council authorize the Mayor to approve those documents (Attachments 4 and 5).

FINANCIAL IMPACT:

There is no financial impact to City. SHE shall take 100 percent of the responsibility for implementation and administration of the grant and shall indemnify City in all contracts with

HCD, provide additional insured certificates and provide bonds for the work. IIG funds shall be used to fund construction of a 10-foot high sound wall along State Route 99, underground storm water retention infrastructure, site grading, underground utilities, and all off-site improvements.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN:

The first of the four vision statements, “A Well-Planned City,” promotes and encourages development of housing. Approval of this project is specifically consistent with the aforementioned vision statement and Strategy 134, which envisions “well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities,” and Strategy 101.8, which “promote(s) and encourage(s) development and redevelopment of low- and moderate-cost housing.”

ALTERNATIVES:

- Not approve the Resolution
- Not enter into a partnership with SHE
- Direct staff to work with SHE to obtain grant funds other than IIG

ATTACHMENTS:

1. Partnership request letter from SHE
2. Planning Department’s January 8, 2019 staff report to the Planning Commission
3. Arial Map: Proposed project area
4. Resolution
5. Memorandum of Understanding

Attachment 1: Partnership Request Letter from SHE



A Nonprofit Housing and Community Development Organization

January 23, 2020

Arnoldo Rodriguez
City Manager
City of Madera
205 W 4th Street
Madera, CA 93637

Re: Request to Partner

Dear Mr. Rodriguez,

Self-Help Enterprises (SHE) is working to develop Madera Village, a 52-unit project located on E. Lewis off Madera Ave. We have secured No Place Like Home funds in partnership with the County and recently secured an allocation of Multifamily Housing Program (MHP) funds. This project will include 20 one-bedroom units, 16 two-bedroom units, 16 three-bedroom units, a centrally located community building, and a playground. One unit will be designated for the on-site manager.

We have a small funding gap in the project; however, we have the opportunity to apply for the Infill Infrastructure Grant (IIG) Program through The Department of Housing and Community Development (HCD). The requirements of this program dictate that SHE can only be an eligible applicant for funding as a joint collaboration with a local jurisdiction. Therefore, Self Help Enterprises is requesting that the City of Madera agree to partner on this funding application.

The funds from the IIG would be utilized to fund construction of the 10' CMU wall along Hwy 99, underground storm water infrastructure, site grading, underground utilities, off-site improvements, and other infrastructure expenses related to the project.

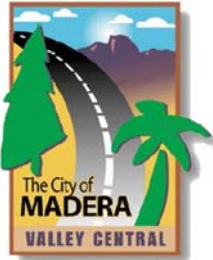
If the partnership were approved, SHE would take 100% of the responsibility for implementation, will indemnify the City in all contracts, provide additional insured certificates, and provide bonds for the work. There is no match requirement for the IIG and there would be no fiscal impact on the City.

Should you have any questions, please contact Betsy McGovern-Garcia at (559) 802-1653.

Thank you for your consideration,

A handwritten signature in blue ink that reads "Betsy McGovern-Garcia".

Betsy McGovern -Garcia
Program Director – Real Estate Development
Self Help Enterprises



CITY OF MADERA
PLANNING COMMISSION

205 W. Fourth Street
Madera CA 93637
(559) 661-5430

Staff Report: Self Help Apartment Complex
PPL 2018-07
Item #2 – January 8, 2019

PROPOSAL: An application for a precise plan providing for the development of a 52-unit apartment complex.

APPLICANT:	Self Help Enterprises	OWNER:	Self Help Enterprises
ADDRESS:	Vacant properties	APNs:	011-143-006, 007 & 008
APPLICATIONS:	PPL 2018-07	CEQA:	Negative Declaration

LOCATION: The project properties abut to Lewis Street, approximately 300 feet east of the intersection of Lewis Street and Madera Avenue.

STREET ACCESS: Access will be provided from Lewis Street.

PARCEL SIZE: Approximately 2.97 acres.

GENERAL PLAN DESIGNATION: HD (High Density Residential)

ZONING DISTRICT: PD-1500 (Planned Development)

SITE CHARACTERISTICS: The project site is immediately southwest of the State Route 99 right-of-way. Vacant commercial and residentially-zoned lands are located to the southeast. A single-family residential neighborhood is located to the south and west, with a Carl's Jr. restaurant located to the west, a short distance beyond residential development. The site takes access from Lewis Street, a local street currently serving the Carl's Jr. restaurant and six single-family homes.

ENVIRONMENTAL REVIEW: An initial study and negative declaration have been prepared for consideration by the Planning Commission (Commission), consistent with California Environmental Quality Act (CEQA) guidelines.

SUMMARY: The applicant is proposing development of a 52-unit apartment complex comprised of four three-story apartment buildings with recreational amenities including a playground area, community center, ½ sports court, and three barbecue areas. The buildings' architecture and open space amenities comply with the goals and policies of the General Plan. The number of parking stalls comply with the parking regulations of the City for a multifamily housing project.

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

APPLICABLE CODES AND PROCEDURES

MMC § 10-3-4.101 Planned Development Zones
MMC § 10-3.1501 Amendments
GC § 65358 General Plan Amendments

Precise plans are utilized within the PD (Planned Development) Zone District to establish specific development and improvement standards for a proposed project. Precise plans address site features, such as infrastructure and services, circulation and access, appearance, landscaping and open space.

The City's Zoning Ordinance allows for the approval of a precise plan by the Commission subject to the Commission being able to make findings that the establishment, maintenance or operation of the development will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or to the general welfare of the City.

If the Commission cannot make the appropriate findings, the development should be denied. Conditions may be attached to the approval of the precise plan to ensure compatibility. Project design may be altered and on or off-site improvements required in order to make the project compatible with nearby uses. In addition, the application may be subject to further review, modification or revocation by the Commission, as necessary.

PRIOR ACTION

None.

ANALYSIS

The applicant, Self-Help Enterprises, proposes the development of a 52-unit multifamily apartment complex on property immediately abutting to the State Route 99 corridor, south of the Madera Avenue interchange. The complex would include an equitable distribution of one, two, and three-bedroom units, with recreational amenities including a playground area, community center, sports court, and three barbecue areas. The 52 residential units would be distributed within four three-story buildings. A community building is also proposed as a component of the overall complex.

According to their website, Self-Help Enterprises espouses to “develop quality, affordable rental apartments to serve the housing needs of low-income Valley residents and underserved farmworker communities. Residents in these underserved communities face over-crowding and overpaying with most farmworkers struggling to obtain decent, affordable housing for their families. Affordable rental apartments are important to the sustainability of communities and developing an overall vibrant community. [Self-Help Enterprises] operates 32 other rental communities. They are professionally managed and are located near schools, bus lines and other community services. The rental housing communities are developed with ample space inside and outside along with plenty of green space and play areas for children. They also feature multi-use community centers complete with computer labs and kitchen facilities.”

Density Requirements

Policy LU-19 of the General Plan identifies a density range of units per acre for each residential density. The project consists of three parcels encompassing approximately 2.97 acres. All parcels are within the HD (High Density) General Plan land use designation, which requires a density range of between 15.1 and 50 units per acre. The PD-1500 (Planned Development) Zone District requires a maximum density of one unit for each 1,500 square feet of site area. Based on

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

the project site area, the required density range for the proposal is between 45 and 86 units. The proposal of 52 units provides consistency with Policy LU-19 of the General Plan.

General Plan Conformance

Any project involving new construction requires findings of conformance with the General Plan. The following are the residential development standards of the General Plan:

- *Architecture*
Policy CD-33 states, “The exterior of residential buildings shall be varied and articulated to provide visual interest to the streetscape.” The proposed buildings have slight differences in the placement of pop-outs, exterior materials and windows, but cohesively complement each other throughout. Each building has fiber cement siding that varies between horizontal and vertical panels across the buildings, varied window treatments, a composition asphalt shingle roof and varied complementary colors. The architectural quality of the buildings are of high architectural value and staff recommends approval of the elevations, as proposed.
- *Open Space*
Policy LU-21 states, “Multi-family projects shall include functional, accessible outdoor areas and improvements which provide space for both private and public gatherings. These may include tot lots for pre-school children; passive recreation areas for lounging, sun bathing, barbecuing, quiet conversation and reading; and private patios or balconies. To the extent possible, these areas shall be shaded by trees and/or shade structures.” The proposed site plan includes a playground area, sports court, three barbecue areas, a community center and private patios/balconies. The minimum amount of required open space for the project is 39,000 square feet (0.96 acres). The project provides approximately 47,500 square feet of open space.

Housing Element

The project site is included in the General Plan’s 2016-2024 Housing Element Update. The project site is listed within the Vacant Sites Inventory, a table of vacant properties that summarizes the location, size, and the estimated number of housing units which could be accommodated on each site. The table also includes the applicable General Plan land use designation and zoning district, illustrating each site’s appropriate density and corresponding income category. For the project site, the Vacant Sites Inventory identified a maximum capacity of 89 units, a realistic unit capacity of 77, and a lower-income inventoried income category. Cumulatively, the proposed project ideally conforms with the desired density and desired income classifications identified within the Housing Element Update. Because the number of proposed units is a little lower than the Housing Element projection, staff did consult with the State Department of Housing and Community Development (HCD). Because of the 29-foot offer of dedication required by CalTrans, and the subsequent reduction in buildable area, HCD advised that the project’s proposed 52 units would still be considered consistent with the Housing Element’s quantified objectives for the development of a range of housing opportunities within the community.

Traffic Study & Impacts

A traffic study was required to be completed to analyze the potential impacts of the intersection of Lewis Street and Madera Avenue in response to the increase in traffic. The City’s Police Department also expressed concerns with the potential increase in traffic because within the last two years approximately 32 vehicular accidents have occurred at this intersection. Ultimately, Caltrans has the final determination on any requirements for traffic mitigation in State Route 145 (Madera Avenue). Based on its review of the traffic study, Caltrans’ only recommendation is to install “Do Not Block” intersection markings and signs.

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

Noise

As noted in this report, the project site is immediately adjacent to the State Route 99 corridor. The General Plan's Noise Element identifies acceptable noise levels for residential development. For outside noise levels, 60 dB is considered compatible. For indoor noise levels, 45 dBA is considered acceptable. The Noise Element also provides noise data for numerous street sections within the community. For State Route 99, in proximity to the project site, a Community Noise Equivalent Level of 79.17 dB is noted. In order for the project to reduce noise levels (both interior and exterior levels) to within the General Plan's acceptable noise levels, the applicant has incorporated a ten-foot concrete masonry unit wall into the site design as a preliminary noise reduction measure. The proposed ten-foot wall is consistent with Caltrans noise analysis performed as part of the environmental review completed in 2015 in support of the proposed widening of State Route 99. It is recommended that an acoustical analysis be required prior to the submittal of any building permit plan check for the project so as to confirm that noise levels will be reduced to acceptable levels.

Parking

In PD (Planned Development) zones, parking requirements are addressed as a component of required precise plans on a case-by-case basis. In this case, the applicant has provided a letter requesting the affordable housing density bonus available per ordinance, which offers incentives or concessions for the development of housing that is affordable for lower income households. The parking bonuses are allowable per ordinance when deed-restricted low and very low income residential units are provided as a part of a project. The requested bonus is non-discretionary under state and local code. In the case of the proposed multifamily project, the concession from traditional parking standards that will apply to the project is a reduction in the required parking for one-bedroom units. Where typically, one-bedroom units require 1½ parking stalls per unit, only one stall is required. The incentivized parking requirements for this project proposal are as follows:

<u>Unit Type</u>	<u># of Unit Type</u>	<u># of Stalls Req.</u>
1-bedroom	20	20
2-bedroom	16	32
3-bedroom	16	32
Guest parking	-	13
Total Allowed:		97
Total Provided:		98

As proposed, there is an adequate number of parking stalls to serve the number of residential units for the project.

Other Department and Agency Comments

The project was reviewed by various City Departments and outside agencies. The responses and recommendations have been incorporated into the recommended conditions of approval included in this report.

Citizen Concerns

Staff has received telephone calls from nearby residents expressing general opposition to the project. The primary concern stated by residents has been the increase in traffic as a result of the development of the project. A petition in opposition to the development was received on December 31st and is included as Attachment No. 5.

CONSISTENCY WITH THE VISION MADERA 2025 PLAN

The first of the four vision statements, "A Well-Planned City," promotes and encourages development of housing. Approval of this project is specifically consistent with the

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

aforementioned vision statement and Strategy 134, which envisions “well-planned neighborhoods throughout Madera that promote connectivity and inclusiveness with a mix of densities,” and Strategy 101.8, which “promote[s] and encourage[s] development and redevelopment of low- and moderate-cost housing.”

RECOMMENDATION

The information presented in this report supports adoption of the negative declaration and a recommendation of approval for Precise Plan 2018-07, subject to the recommended conditions of approval. It is recommended that the Commission consider this information, together with testimony provided at the public hearing, and approve Precise Plan 2018-07.

PLANNING COMMISSION ACTION

The Commission will be acting on Precise Plan 2018-07.

Motion 1a: Move to adopt a negative declaration prepared for the project, consistent with the requirements of the California Environmental Quality Act (CEQA), based on and subject to the findings as listed;

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the entire record before it, and is hereby adopted in accordance with CEQA.

Motion 1b: Move to approve Precise Plan 2018-07, based on and subject to the findings and conditions of approval:

Findings

- An initial study and negative declaration have been prepared pursuant to the California Environmental Quality Act (CEQA) that determines there is no substantial evidence the project will have a significant effect on the environment, and that the document reflects the independent judgement of the Planning Commission of the City of Madera after considering all of the information in the entire record before it, and is hereby adopted in accordance with CEQA.
- Precise Plan 2018-07 is consistent with the purpose and intent of the PD (Planned Development) Zone District and does not conflict with City standards or other provisions of the Code.
- Precise Plan 2018-07 complies with the requirements for precise plans per Section 10-3-4.104.
- Precise Plan 2018-07 is consistent with the goals and policies of the General Plan.
- Precise Plan 2018-07 is compatible with the neighborhood and is not expected to be detrimental to the health, safety, peace, comfort or general welfare of the neighborhood or the City.

Attachment 2: Planning Department's January 8, 2019
Staff Report to the Planning Commission

CONDITIONS OF APPROVAL

General Conditions

1. Project approval is conditioned upon acceptance of the conditions of approval contained herein, as evidenced by receipt in the Planning Department of the applicant's signature upon an Acknowledgement and Acceptance of Conditions within thirty days of the date of approval for Precise Plan 2018-07.
2. All conditions of approval shall be the sole financial responsibility of the applicant/owner, except where specifically noted in the conditions or mandated by statutes.
3. It shall be the responsibility of the property owner to ensure that any required permits, inspections and approvals from any regulatory agency shall be obtained from the concerned agency prior to establishment of the use.
4. The project shall be developed in accordance with the site plan, floor plans and elevation drawings, as reviewed and approved with Precise Plan 2018-07. Minor modifications to Precise Plan 2018-07 necessary to meet regulatory or engineering constraints may be made with approval of the Planning Manager, at a minimum. All site improvements shall be completed in advance of any request for building permit final inspection.
5. Prior to issuance of building permits or any future division of the property, the applicant at their sole expense shall cause the property to be annexed into the City-wide Community Facilities District No. 2005-01 and shall pay all applicable fees.

Building and Fire Department

6. All buildings shall be equipped with fire sprinklers. A separate permit shall be required for each structure/system.
7. On-site fire hydrants shall be required and a separate building permit for the installation of the on-site fire hydrants shall be required.
8. 2A10BC-rated fire extinguishers shall be required within 75 feet of all portions of all buildings on each floor level.
9. A supervisory fire alarm system shall be required for the fire sprinklers. An evacuation alarm may be required for the community center. This shall be determined at time of plan review. Separate permits shall be required for each fire alarm system.
10. A key box shall be required for access to the community center building. If gates are provided, a key box or override switch shall be required for access.
11. Fire lanes shall be required and shall be posted in accordance with the California Fire Code (CFC) and California Vehicle Code (CVC).
12. Ladder truck access may be required to reach the building roofs. Such access, if required, shall be provided with the necessary fire lanes.

Engineering Department

General

13. Nuisance onsite lighting shall be redirected as requested by the City Engineer within 48 hours of notification.

Attachment 2: Planning Department's January 8, 2019
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14. Impact fees shall be paid at time of building permit issuance.
15. The developer shall reimburse the City for improvements previously installed, as calculated by the City Engineer, whose determination shall be final. Reimbursements for previously installed improvements shall be paid prior to issuance of a building permit.
16. The developer shall pay all required fees for completion of the project. Fees due may include, but shall not be limited to, the following: plan review, encroachment permit processing and improvement inspection fees.
17. Improvement plans signed and sealed by an engineer shall be submitted to the Engineering Department in accordance with the submittal process.
18. In the event archeological resources are unearthed or discovered during any construction activities on site, construction activities shall cease and the Community Development Director or City Engineer shall be notified so that procedures required by State law can be implemented.
19. Improvements within the City's right-of-way require an encroachment permit from the Engineering Department.
20. Improvements within the State of California right-of-way require an encroachment permit from Caltrans.

Sewer

21. Sewer service connections shall be constructed to current City standards.
22. Sewer main connection(s) six (6") inches and larger in diameter shall require manhole installation.
23. The developer shall reimburse its fair share cost to the City for the previously constructed sewer main along the entire project frontage.
24. Existing septic tanks, if found, shall be removed pursuant to issuance of a permit and inspection by the City of Madera Building Department.

Storm Drain

25. Storm runoff from this project site is planned to go to the Abshire Basin located south of the project site. Through the preparation of a hydrology study or appropriate runoff volume calculations, the developer shall illustrate how runoff from the site will be accommodated. The developer shall excavate the basin to an amount equivalent to this project's impact on the basin.
26. The City is subject to the requirements of its Phase II Municipal Separate Sewer System Permit (MS4). This project will be subject to the requirements of that permit. To that end, the site is subject to reducing off-site flow associated with development. As a result of project compliance with the MS4 permit, the project can either reduce the size of required improvements identified in the City's storm drainage master plan, as provided below, that the project would be required to construct, or remove them entirely. Additionally, the project shall account for other, historical off-site runoff that appears to impact the site. Master Plan storm drain improvements associated with the project site are:
 - a. Construction of 18-inch storm drain pipe along the property line east of Madera Avenue from Dunham Avenue to Clemmensen Avenue.

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

- b. Construction of 36-inch storm drain pipe along the property line east of Madera Avenue from Clemmensen Avenue to Almond Avenue.
- c. The construction of these storm drain lines is considered 100% reimbursable, subject to the availability of funds, under the City's Development Impact Fee (DIF) Program. The developer shall secure all required easements, acquisitions of rights-of-way, fees and all other components required for the installation of a fully functional storm drain line.

Streets

27. The developer shall pave all alleys abutting the project site to current City standards.
28. In conjunction with the alley abutting the western boundary of the project, if pedestrian or vehicular access is provided north of the Lewis Street alignment, sidewalk and street lighting improvements shall be constructed within a dedicated easement per current City standards.
29. The developer shall dedicate a corner cut-off to accommodate a 20-foot radius for turning movements at the northeast corner of the east-west alley and the north-south Lewis Street.
30. The developer shall install street lights, including conduit, wiring or other improvements at the intersection of the Lewis Street and the alley abutting the western boundary of the project in accordance with current City standards. Street lights shall be LED using Beta Lighting standards or equal in accordance with City of Madera standards.
31. All public utilities fronting the project site shall be undergrounded, except transformers, which may be mounted on pads.
32. All alleyways being utilized for ingress to or egress from the project site shall be paved per current City standards.
33. The developer shall record reciprocal ingress/egress and utility parking easements acceptable to the City of Madera across the entire project site and applicable to all parcels. The easements shall provide the mutual right of access for all future uses on the project site. The developer shall pay associated fees with the Engineering Department.
34. As an alternative to the recordation of a reciprocal easement agreement, a parcel merger can be allowed to merge the project parcels into one parcel. An application for a parcel merger shall be submitted to the Engineering Department with the fee in effect at that time.
35. The developer shall annex into and execute such required documents that may be required to participate in Landscape Maintenance District Zone 51 for the purposes of participating in the cost of maintaining landscape improvements within said zone.

Water

36. Water service connection(s) shall be constructed to current City standards including Automatic Meter Reading (AMR) water meter installed within the City's right-of-way and backflow prevention device installed within private property.
37. A separate water meter and backflow prevention device shall be required for landscape area.
38. Existing wells, if any, shall be abandoned as directed and permitted by the City of Madera for compliance with State standards.

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39. City records indicate that water lines in the vicinity of the site are only six (6") inches in diameter. The developer shall confirm that such lines can support this project for both domestic and fire flow demands.
40. Prior to beginning any construction, approved on- or off-site fire hydrants shall be installed in accordance with spacing requirements for this type of development.
41. The developer shall reimburse its fair share cost to the City for the previously constructed water main along the entire project frontage unless the water line is replaced for the purposes of meeting domestic or fire flow requirements.

Planning Department

Precise Plan

42. Precise Plan Area:
 - Three (3) parcels, approximately 2.97 acres
 - APNs: 011-143-006, 011-143-007, 011-143-008Building Area:
52 residential units, as follows:
 - 20 1-bedroom units: 650 sq. ft. each
 - 16 2-bedroom units: 845 sq. ft. each
 - 16 3-bedroom units: 1,116 sq. ft. eachProject Amenities, as follows:
 - 3 barbecue areas
 - 1 playground area
 - 1 community center
 - 1 half sports court
43. The proposed elevations, as approved and attached herein, shall include the following features as standard elements of construction:
 - Minimum three-color exterior painting
 - Architectural treatments including varied wood, metal and stucco siding, pop-outs, windows and balconies consistent with the approved elevations for the buildings.
44. Significant modification of the approved elevation, as determined by the Planning Manager, shall require amendment of Precise Plan 2018-07.
45. Vandalism and graffiti shall be corrected pursuant to the Madera Municipal Code.
46. The property owner, operator and/or manager shall keep the property clear of all trash, rubbish and debris at all times, and the dumping of refuse shall be restricted to the dumpsters owned by the property owner.

Building Colors, Materials and Lighting Considerations

47. The construction of buildings approved as part of the Precise Plan shall be consistent with the approved color and materials presentation board as reviewed and approved by the Planning Commission.
48. All exterior lighting shall be down-shielded and directed in such a way as to not interfere with the driving safety of vehicular traffic. Exposed bulbs shall not be permitted.

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

49. The specifications and types of exterior lighting fixtures to be installed in the project area shall be submitted to and approved by the Planning Department prior to issuance of building permits.

Fences and Walls

50. Trash enclosures shall be constructed consistent with City standards. All locations of trash enclosures shall be consistent with the approved site plan. The color of the trash enclosures shall be painted to match or complement the apartment buildings.
51. An acoustical analysis shall be completed prior to any submittal for building permit plan check for the project so as to confirm that noise levels will be reduced to acceptable levels. At a minimum, a ten (10') foot tall decorative split-faced solid masonry block wall shall be constructed along the project boundary line abutting Highway 99 in order to assist in reducing noise to within General Plan Noise Element standards.
52. With the exception of the project frontage with State Route 99, at a minimum, a six-foot tall wooden fence shall be constructed along all other project frontages. Final fence design shall be approved by the Planning Manager prior to any submittal for building permit plan check for the project.

HVAC and PG&E Utility Placement Considerations/Screening Requirements

53. Prior to the issuance of building permits, the applicant shall identify the following information for Planning Department review and approval:
 - The location of all-natural gas and electrical utility meter locations.
 - The location of all HVAC (heating, ventilation or air conditioning) equipment.
 - The location of all compressor equipment, and mechanical and electrical equipment.
54. All electrical and HVAC equipment shall be screened to the specifications of the Planning Department.
55. Electrical/mechanical equipment shall be located in the interior of all structures within an electrical/mechanical service room(s).
56. When HVAC equipment is roof-mounted, all equipment placement shall be completely screened from view and architecturally integrated into the roof using roof wells or continuous building perimeter fascia screening. If ground-mounted, all HVAC equipment shall be completely screened by a six (6') foot enclosure constructed so as to match the primary color and material of the structure.
57. Natural gas meter placement shall be screened from public view per Planning Department approval.
58. Roof access ladders (if any) shall be located within the interior of each building.
59. Future placement of roof-mounted equipment, which is not part of this precise plan approval, may require amendment to this Precise Plan.
60. All ducts and vents penetrating roofs shall be directed away from the front of the public entrance side(s) of the building using methods to minimize their appearance and visibility from the street. Placements are preferred at rear sides of roof ridges. All roof-mounted ducts and vents shall be painted matte black or a color better suited to minimize their appearance.

**Attachment 2: Planning Department's January 8, 2019
Staff Report to the Planning Commission**

61. Transformers and similar pad-mounted utilities shall be screened per the approval of the Planning Manager.

Landscaping and Open Space

62. A detailed landscaping and irrigation plan shall be prepared and submitted as part of the submittals for a building permit plan check. Landscape and irrigation plans shall be approved by the Planning Department prior to issuance of building permits. The plans shall:
- Demonstration of compliance with the State of California's Model Water Efficient Landscape Ordinance (MWELO)
 - Landscaped areas shall be provided with permanent automatic irrigation systems.
 - A detailed planting list for landscaping, with the number, size, spacing (where applicable) and specie of all plantings shall be included as part of the approved landscaping plan prepared by a licensed landscape architect.
63. The final selection and placement of playground equipment and supporting apparatus, such as trash receptacles and light fixtures, shall be reviewed and approved by the Planning Department as a component of building permit plan check submittals. The tot lot area shall be clearly delineated with curbing and landscaping from walkways and lawn areas. The surface under the tot lot area shall be a material approved for use by the Parks Department. Minor alterations and/or amendments may be approved by the Planning Manager. Proposed changes deemed substantial by the Planning Manager shall require an amendment to the Precise Plan approved by the Planning Commission.
64. The tot lot equipment and all other site amenities shall be maintained in good working condition and appearance.
65. The property owner(s) shall maintain all landscaping in a healthy and well-manicured appearance to achieve and maintain the landscaping design that was approved by the City. This includes, but is not limited to, ensuring properly operating irrigation equipment at all times, trimming and pruning of trees and shrubs, mowing lawns consistent with residential standards, and replacing dead or unhealthy vegetation.

Parking

66. No wheel stops shall be incorporated into the parking field/parking stall layout unless required by the Americans with Disabilities Act (ADA) standards.
67. All parking stalls shall be marked and striped to City standards: Perpendicular (90 degree) parking spaces measure a minimum of 9 feet wide by 19 feet deep (17' deep with a 2' bumper overhang). No compact stalls shall be incorporated into the parking field. Minimum drive aisle space shall be a minimum of 26 feet for primary drive aisles.

San Joaquin Valley Air Pollution Control District

68. The developer shall comply with all rules and regulations of the San Joaquin Valley Air Pollution Control District's letter dated December 5, 2018.

State of California Department of Transportation (Caltrans)

69. The developer shall comply with all rules and regulations of Caltrans' letter dated December 20, 2018.

(OR)

**Attachment 2: Planning Department's January 8, 2019
Staff Report to the Planning Commission**

Motion 2: Move to continue the public hearing on Precise Plan 2018-07 to the February 12, 2019 Planning Commission hearing, for the following reasons: (specify)

(OR)

Motion 3: Move to deny Precise Plan 2018-07, based on the following findings: (specify)

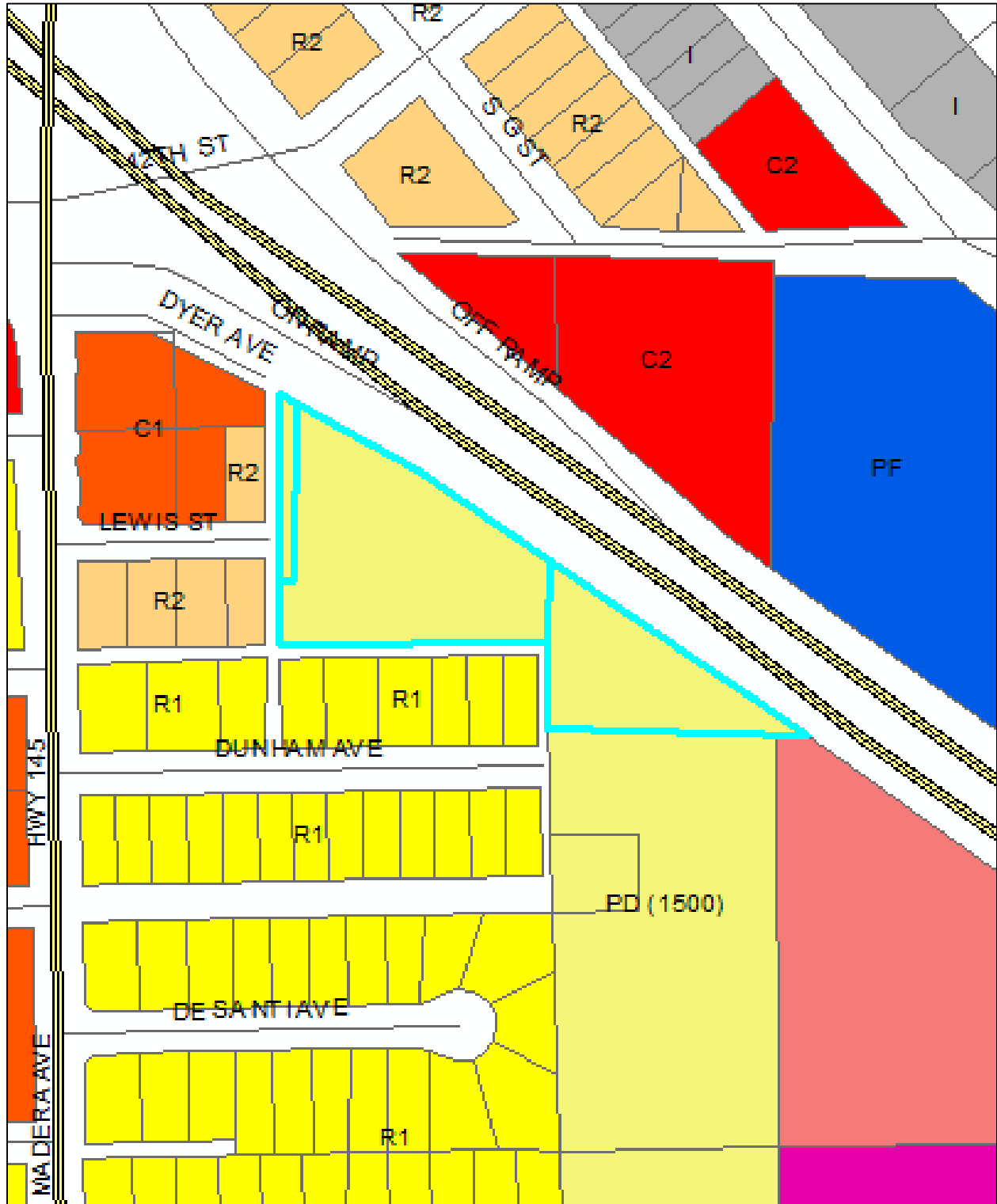
ATTACHMENTS

1. Aerial Map
2. Zoning Map
3. General Plan Map
4. Caltrans Letter
5. Citizen Opposition Petition
6. Negative Declaration
7. Precise Plan Site Plan, Floor Plans and Elevations

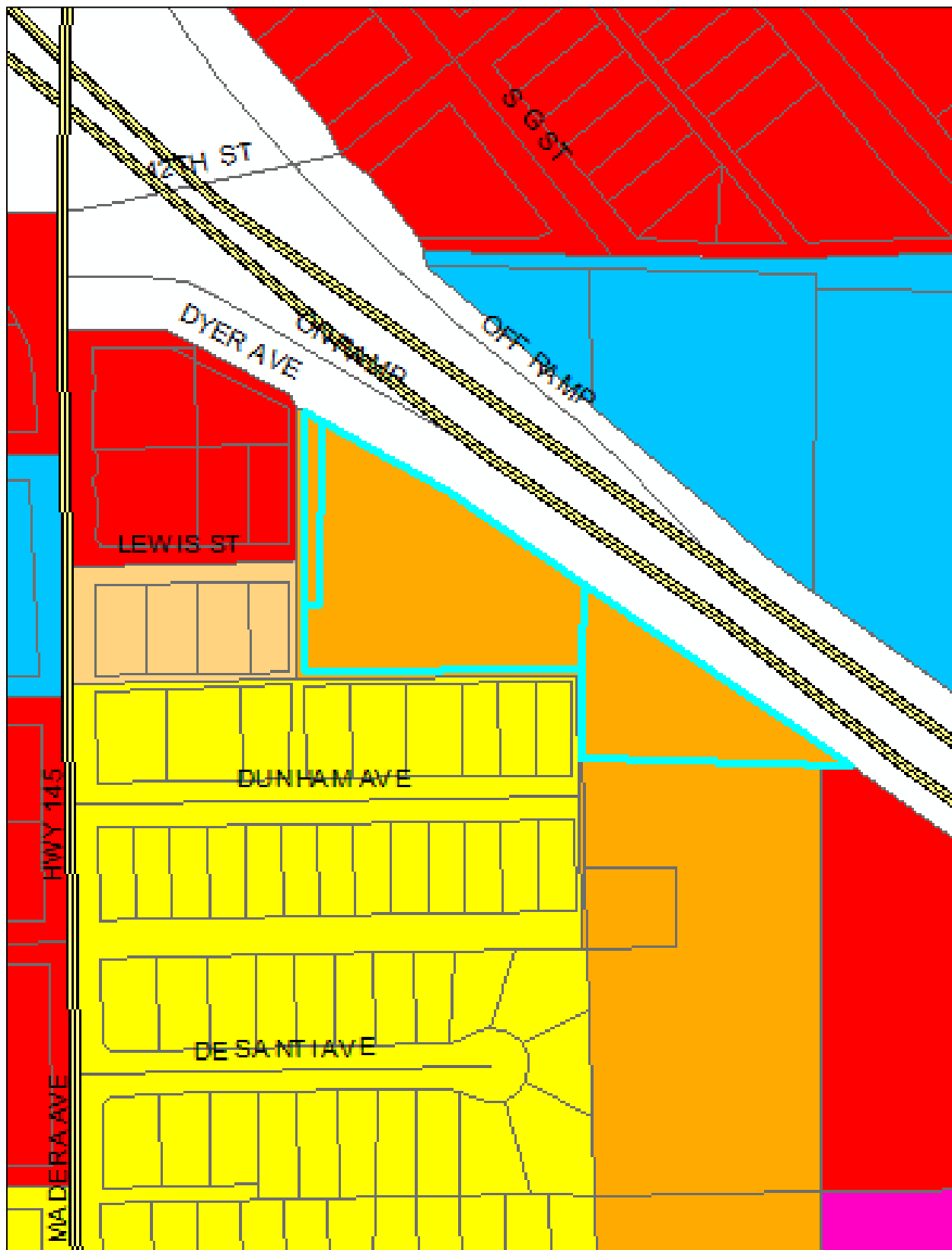
Attachment 1: Aerial Map



Attachment 2: Zoning Map



Attachment 3: General Plan Map



Attachment 2: Planning Department's January 8, 2019
Staff Report to the Planning Commission

Attachment 4: CalTrans Letter

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 6
1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 445-5875
TTY 711
www.dot.ca.gov



*Making Conservation a
California way of life.*

December 20, 2018

06-MAD-145-8.975
Self-Help Apartment Complex
PPL 2018-07

Mr. Robert Holt
Planner
City of Madera
205 W. Fourth Street
Madera, CA 93637

Dear Mr. Holt:

Thank you for including Caltrans in the environmental review process for the project referenced above. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network. The following comments are based on the Self-Help apartment project located on the west side of State Route (SR) 99 and approximately 290 feet east of the intersection of SR 145 (Madera Avenue) and Lewis Street in the City of Madera:

We provided comments on PPR 2018-18 and the associated traffic impact study on October 29, 2018 and December 14, 2018, respectively. In addition, concerns were raised on traffic incidents occurring at the intersection of SR 145 at Lewis Street. Caltrans Traffic Investigations prepared a traffic investigation report analysis and the recommendation is to install a "Do Not Block" intersection markings and signs per Section 3B.17 of the California Manual of Uniformed Traffic Control Devices on SR 145 at Lewis Street. An excerpt of the report is enclosed. Based on the traffic impact study report and the traffic investigation report, Caltrans will not ask for any additional mitigation measures for the Self-Help apartment project.

If you have any further questions, please contact me at (559) 444-2493.

Sincerely,

A handwritten signature in blue ink, appearing to read "David Padilla".

DAVID PADILLA
Associate Transportation Planner
Planning North Branch

Enclosure

c: Michael Navarro, Chief, Planning North Branch, Caltrans

*"Provide a safe, sustainable, integrated and efficient transportation system
to enhance California's economy and livability"*

Attachment 5: Citizen Opposition Petition

We oppose the development of a 56-unit apartment complex, east of the intersection of MacLera Avenue and Lewis Street.

1. Flora Landucci 302 E Dunham
2. Diane Landucci 302 E. Dunham
3. Alex Liu 220 E. DUNHAM AVE
4. He " "
5. Thonia Salazar 216 E. Dunham
6. Alex Lewis " "
7. John Nguyen 270 E. Dunham
8. Jose I. Yolanda Felix 225 E. Dunham.
9. Jessie B. French 217 E. Dunham
10. ~~_____~~ 205 E Dunham
11. David Donald 117 E DUNHAM
12. Estefani Cruz 100 E Dunham
13. Leticia Jay 120 E Dunham
14. Edna Lora 221 E Dunham

INITIAL STUDY AND ENVIRONMENTAL ASSESSMENT

**Self Help Apartment Complex
Precise Plan (PPL) 2018-07**

Project: PPL 2018-07

Applicant: Self Help Enterprises, Inc.
4660 American Avenue, Suite 200
Bakersfield, CA 93309

Owner: Self Help Enterprises, Inc.
4660 American Avenue, Suite 200
Bakersfield, CA 93309

Location: The project site is three parcels encompassing approximately 2.97-acres of land located approximately 300 feet east of the intersection of Madera Avenue and Lewis Street. The properties front onto Lewis Street.

Proposal:

PPL 2018-07: A precise plan to guide development of an approximately 52-unit apartment complex comprised of four apartment buildings with 20 1-bedroom units, 16 2-bedroom units and 16 3-bedroom units. On-site amenities for the apartment complex include three (3) barbeque areas, a playground area, a community center and a ½ sports court.

Zoning: PD-1500 (Planned Development)

General Plan Land Use Designation: HD (High Density)

Surrounding Land Uses and Zoning:

South – Vacant/ponding basin
North – Medium/high density residential
West – Single-family residential
East – Medium/high density residential

Responsible or Interested Agencies:

San Joaquin Valley Air Pollution Control District
Madera Irrigation District
Madera Unified School District

Attachment 2: Planning Department's January 8, 2019
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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. None of these factors represents a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input checked="" type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology /Soils |
| <input type="checkbox"/> Hazards & Hazardous Mat. | <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population / Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems | <input checked="" type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings
of Significance |

DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____

Date: _____

Printed Name: Robert Holt, Assistant Planner

Explanation of Environmental Checklist

I. AESTHETICS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposal will not affect a scenic vista or have an overall adverse visual impact on the immediate area. The project will not affect a scenic highway and will not have an overall adverse visual impact on any scenic resources. The project would result in some sources of light, including the addition of new street lights, and the anticipated residential development will add additional sources of light.

The proposed project will conform with and incorporate General Plan policies and requirements. No additional analysis is required.

- a) **No Impacts.** The project will not result in the obstruction of federal, state or locally classified scenic areas, historic properties, community landmarks, or formally classified scenic resources, such as a scenic highway, national or state scenic area, or scenic vista.
- b) **No Impacts.** The project will not damage scenic resources, including, but not limited to, rock outcroppings, and historic buildings within a state scenic highway.
- c) **No Impacts.** The project would not degrade the existing visual character or quality of the site and surroundings under examination. The proposed project would not alter the landforms, view sheds, and overall character of the area.
- d) **Less Than Significant Impacts.** There will be an increase in light and glare and other aesthetic impacts associated with urban development as a result of the project, although it will be a less than significant impact when City standards are implemented. The overall impact of additional light and glare will be minimal.

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II. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepare pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located on land identified as Urban and Built-Up Land within the 2016 California Farmland Mapping and Monitoring Program.

a.) **No Impacts.** The project would not convert prime farmland, unique farmland, or farmland of statewide importance (as shown on the maps prepared pursuant to the farmland mapping and monitoring program of the California resources agency) to non-agricultural use. The project site is identified as Urban and Built-Up Land on the 2016 California Farmland Mapping and Monitoring Program map. The project site has been identified for residential uses within the City of Madera General Plan, and the land is not currently being utilized for agricultural purposes.

b.) **No Impacts.** The project would not conflict with existing zoning for agricultural use and there are no Williamson Act contracts affecting the subject property. The site is identified as urban and built-up land.

c.) **No Impacts.** Surrounding properties are urbanized and currently in residential use. The proposed development for the project site won't contribute towards the desire of nearby property owners to convert to non-agricultural uses.

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III. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project area is located within the San Joaquin Valley Air Basin (SJVAB). Air quality conditions in the SJVAB are regulated by San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD). The region is classified as a State and Federal non-attainment area for PM10 (airborne particulate matter with an aerodynamic diameter of less than 10 microns), and ozone (O3).

Air quality is determined primarily by the type and amount of contaminants emitted into the atmosphere, the size and topography of the Basin, and its meteorological conditions. National and state air quality standards specify the upper limits of concentrations and duration in the ambient air for O3, CO, nitrogen dioxide (NO2), PM10, sulfur dioxide (SO2) and lead (Pb). These are “criteria pollutants.” The SJVUAPCD also conducts monitoring for two other state standards: sulfate and visibility.

The State of California has designated the project area as being a severe non-attainment area for 1-hour O3, a non-attainment area for PM10, and an attainment area for CO. The EPA has designated the project area as being an extreme non-attainment area for 1-hour O3, a serious non-attainment area for 8-hour O3, a serious non-attainment area for PM10, and a moderate maintenance for CO.

The current project would not conflict with or obstruct the implementation of applicable Regional Air Quality Control Plans.

Similarly, future projects will be evaluated to determine required compliance with District Rule 9510, which is intended to mitigate a project’s impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. Demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, would be made a condition of project approval.

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

Short-term construction impacts on air quality, principally from dust generation, will be mitigated through watering. The project would not create substantial air emissions or deterioration of ambient air quality, and the development will be subject to Air Pollution Control District review. Construction equipment will produce a small amount of air emissions from internal combustion engines and dust. The project will not violate any air quality standard or substantially contribute to an existing or projected air quality violation. The project will not result in a considerable net increase in non-attainment pollutants in this area. The project will not expose sensitive receptors to any significant amount of pollutants. The project will not create any objectionable odors.

The proposed development of the subject properties will not create impacts beyond those analyzed and addressed through the General Plan Update and the accompanying environmental impact report. All phases of site development will conform with and incorporate General Plan policies and requirements. All phases of development will similarly conform with and implement regional air quality requirements. No additional analysis is required. Any unique features or project impacts which are identified as specific projects are proposed within the project area will be evaluated and addressed on a project-by-project basis.

- a) **Less Than Significant Impacts.** The proposed project would not conflict with or obstruct implementation of the applicable air quality plan.
- b) **Less Than Significant Impacts.** The proposed project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- c) **Less Than Significant Impacts.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, including releasing emissions which exceed quantitative thresholds for ozone precursors.
- d) **No Impacts.** The proposed project would not expose sensitive receptors to substantial pollutant concentrations.
- e) **No Impacts.** The proposed project would not create any new/permanent objectionable odors affecting a substantial number of people.

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IV. BIOLOGICAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: With the preparation of the City of Madera General Plan, no threatened or endangered species were identified in the project area. There is no record of special-status species in this project area. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

The approximately 3.54-acre project site is void of any natural features, such as seasonal drainages, riparian or wetland habitat, rock outcroppings, or other native habitat or associated species. Development of the site will not conflict with any local policies or ordinances protecting biological resources, or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

a) **No Impacts.** The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status

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species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

b) **No Impacts.** The proposed project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.

c) **No Impacts.** The project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act, including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption, or other means.

d) **No Impacts.** The project would not interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

e) **No Impacts.** The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) **No Impacts.** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

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V. CULTURAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The project does not have the potential to cause a physical change that would affect unique historic, ethnic, or cultural values. The project will not disturb archaeological resources. The project will not disturb any unique paleontological or geologic resources. The project will not disturb any human remains. In the event any archeological resources are discovered with project construction, all activities shall cease and the Community Development Department shall be notified so that the procedures required by State Law may be applied.

a) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in §15064.5 of the CEQA Guidelines. There are no known historical resources located in the affected territory.

b) **No Impacts.** The proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5 of the CEQA Guidelines. There are no known archaeological resources located in the project area.

c) **No Impacts.** The proposed project would not directly or indirectly destroy any unique paleontological resources or sites or unique geologic features. There are no known paleontological resources, sites or unique geologic features located in the affected territory.

d) **No Impacts.** The project would not likely disturb any human remains, including those interred outside of formal cemeteries. If development occurs in the future and any remains are discovered, the requirements of CEQA that regulate archaeological and historical resources (Public Resources Code Section 21083.2 and 21084.1), and all local, state and federal regulations that regulate archaeological and historical resources would be complied with.

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VI. GEOLOGY AND SOILS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: There are no known faults on the project site or in the immediate area. The project site is subject to relatively low seismic hazards compared to many other parts of California. Potential ground shaking produced by earthquakes generated on regional faults lying outside the immediate vicinity in the project area may occur. Due to the distance of the known faults in the region, no significant ground shaking is anticipated on this site. Seismic hazards on the built environment are addressed in *The Uniform Building Code* that is utilized by the Madera Building Division to monitor safe construction in the City.

ai.) **No Impacts.** No known faults with evidence of historic activity cut through the valley soils in the project vicinity. The major active faults and fault zones occur at some distance to the east, west, and south of the project site. Due to the geology of the project area and its distance from active faults, the potential for loss of life, property damage, ground settlement, or liquefaction to occur in the project vicinity is considered minimal.

aii) **No Impacts.** Ground shaking generally decreases with distance and increases with the depth of unconsolidated alluvial deposits. The most likely source of potential ground shaking is attributed to the San Andreas, Owens Valley, and the White Wolf faults. Based on this premise and taking into account

Attachment 2: Planning Department's January 8, 2019 Staff Report to the Planning Commission

the distance to the causative faults, the potential for ground motion in the vicinity of the project site is such that a minimal risk can be assigned.

aiii) **No Impacts.** Liquefaction describes a phenomenon in which a saturated soil loses strength during an earthquake as a result of induced shearing strains. Lateral and vertical movement of the soil mass, combined with loss of bearing usually results. Loose sand, high groundwater conditions (where the water table is less than 30 feet below the surface), higher intensity earthquakes, and particularly long duration of ground shaking are the requisite conditions for liquefaction. There is no evidence of the presence of these requisite conditions.

aiv) **No Impacts.** The project will not result in or expose people to potential impacts from landslides or mudflows.

b) **No Impacts.** Construction of urban uses would create changes in absorption rates, drainage patterns, and the rate and amount of surface runoff on the selected project site. Standard construction practices that comply with City of Madera ordinances and regulations, the California Building Code, and professional engineering designs approved by the Madera Engineering Division will mitigate any potential impacts from urban development.

c) **No Impacts.** The project site would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

d) **No Impacts.** The project will not result in or expose people to potential impacts from expansive soils.

e) **No Impacts.** Should urban uses be approved in the project area, the City of Madera would provide necessary sewer and water systems.

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VII. GREENHOUSE GAS EMISSIONS. Would the project:

	Potentially Significant Impact	Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: San Joaquin Valley Unified Air Pollution Control District staff has concluded that existing science is inadequate to support quantification of impacts that project specific GHG emissions have on global climatic change. This is readily understood when one considers that global climatic change is the result of the sum total of GHG emissions, both man made and natural that occurred in the past; that is occurring now; and will occur in the future. The Air District has advanced a methodology of reducing the (assumed) significance of impacts around performance measures applied to projects, or alternatively, by comparing project-level impacts to an identified GHG emissions threshold.

The Air District's recommended methodology is difficult, if not impossible, to apply to the project currently proposed, which does specify the nature or intensity of uses which may be developed in the future. In the absence of further regulatory or scientific information related to GHG emissions and CEQA significance, it is currently too speculative to make a significance determination regarding this project's direct and indirect impact with respect to climate change. The City General Plan includes policies in support of GHG emissions reduction and climate change. The City supports local, regional, and statewide efforts to reduce the emission of greenhouse gases linked to climate change.

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VIII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The subdivision of the property will not create hazards or expose people or property to hazardous conditions. The anticipated development will be consistent with the General Plan and will be delineated with the accompanying Precise Plan.

a) No Impacts. The proposed project would not create any hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) No Impacts. The proposed project would not create any hazards to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

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- c) **No Impacts.** The project site is not located within one-quarter mile of an existing school, and the development of the property would not emit hazardous emissions or require the handling of hazardous or acutely hazardous materials, substances, or waste.
- d) **No Impacts.** The land within the project site is not included on a list of hazardous materials sites. The Department of Toxic Substances Control's Hazardous Waste and Substances Site List (Cortese List) does not list any hazard waste and substances sites within the City of Madera (www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm).
- e) **No Impacts.** The project site is not located within an airport land use plan or, within two miles of a public airport or public use airport. The proposed project would not bring about a safety hazard related to an airport or aviation activities for people residing or working in the project area.
- f) **No Impacts.** The project site is not located within the vicinity of a private airstrip, and would not result in a safety hazard for people residing or working in the project vicinity related to an airstrip or aviation activities.
- g) **No Impacts.** The proposed project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- h) **No Impacts.** The proposed project would not expose people or structures to a significant risk of loss, injury or death involving wildland fires.

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IX. HYDROLOGY AND WATER QUALITY. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project would not violate any water quality standards or waste discharge requirements. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. Services will be provided in accordance with the City's Master Plans. The project will not change any drainage patterns or stream courses, or the source or direction of any water movement. During construction, the project site may be exposed to increased soil erosion from wind and water. Dust control will be used during construction. With completion, the project will not bring about erosion, significant changes in topography or unstable soil conditions.

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The project will not expose people or property to water related hazards. Standard construction practices and compliance with City ordinances and regulations, *The Uniform Building Code*, and adherence to professional engineering design approved by the Madera Engineering Department will mitigate any potential impacts from this project. This development will be required to comply with all City ordinances and standard practices which will assure that storm water will be adequately drained into the approved storm water system. The project will not create any impacts on water quality.

Based on a review of the City's FEMA maps, the site is within Zone X and the project will not place housing or other land uses in a 100-year flood hazard area. These are areas outside of the 500-year flood area. The project will not expose people or structures to a significant risk because of dam or levee failure. The project will not expose people or structures to a significant risk because of a seiche, mudflow, or tsunami.

- a) **No Impacts.** Development of the project site will be required to comply with all City of Madera ordinances and standard practices which assure proper grading and storm water drainage into the approved storm water systems. Any development will also be required to comply with all local, state, and federal regulations to prevent any violation of water quality standards or waste discharge requirements.
- b) **No Impacts.** The proposed project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there will be a net deficit in aquifer volume or a lowering of the local groundwater table level.
- c) **No Impacts.** The proposed project will not alter the existing drainage pattern of the site or area through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site.
- d) **No Impacts.** The proposed project will not alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site.
- e) **No Impacts.** The proposed project will not create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.
- f) **No Impacts.** The proposed project will not degrade water quality.
- g) **No Impacts.** The project will not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- h) **No Impacts.** The project will not place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- i) **No Impacts.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- j) **No Impacts.** The project will not have any potential to be inundated by a seiche, tsunami, or mudflow.

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X. LAND USE AND PLANNING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Development of the project area is consistent with the urbanization of the project area, as evaluated in the General Plan and its EIR; therefore impacts in this category are avoided.

a) **No Impacts.** The project would not physically divide an established community. Rather, it logically allows development to occur in an orderly manner, adjacent to urban development.

b) **No Impacts.** The proposed project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.

c) **No Impacts.** The project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

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XI. MINERAL RESOURCES. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) **No Impacts.** The project would not result in the loss or availability of mineral resources.

b) **No Impacts.** The proposed project would not result in the loss of availability of any locally important mineral resource recovery sites.

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XII. NOISE. Would the project result in:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: These potential impacts were addressed in the General Plan EIR, and goals and mitigation measures were adopted to reduce potential impacts to a less than significant level. Development of the project area is consistent with the urbanization of the Madera area, as evaluated in the General Plan, and its EIR; therefore impacts in this category are not anticipated to exceed the impacts addressed in those documents.

- a) **Less than significant impact.** The proposed project includes the installation of sound walls such that the project would not result in exposure of persons to or generation of noise.
- b) **No Impacts.** The proposed project would not result in exposure of persons to or generation of excessive ground-borne vibration or ground-borne noise levels.
- c) **Less than significant impact.** The proposed project would result in a permanent increase in ambient noise levels in the project vicinity above levels existing without the project. These noise levels were anticipated as part of the development of the project site, consistent with the Madera General Plan.
- d) **Less than significant impact.** The proposed project may result in some temporary increase in ambient noise levels in the project vicinity during construction of the site.
- e) **No Impacts.** The proposed project site is not located within an airport land use plan or within two miles of a public airport or public use airport.

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f) **No Impacts.** The project is not located within the vicinity of a private airstrip.

XIII. POPULATION AND HOUSING. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The proposed project will not induce additional substantial growth in this area. The property would not displace any housing. Likewise, the project will not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

- a) **No Impacts.** Although new residential development may occur, the proposed project will not substantially induce a growth in population by individuals and/or families, directly or indirectly.
- b) **No Impacts.** The proposed project would not displace any existing housing, thereby necessitating the construction of replacement housing elsewhere, since the site is vacant.
- c) **No Impacts.** The proposed project would not displace any people.

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XIV. PUBLIC SERVICES.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The development of the existing residential property will not result in substantial adverse physical impacts from new or altered public facilities. As development occurs, there will be a resultant increase in job opportunities, and a greater demand placed upon services, such as fire and police protection, and additional park and school facilities. This additional demand is consistent with the demand anticipated in the General Plan and evaluated in the General Plan EIR.

The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies beyond the levels anticipated in the General Plan and the Water Master Plan. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project area. Initially, the project will rely upon temporary on-site storm drain retention strategies. The project area will be required to provide additional facilities within the development, and comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

- i) Fire protection. **Less than significant impact.** The proposed project will not result in substantial adverse physical impacts to fire protection services.
- ii) Police protection. **Less than significant impact.** The proposed project will not result in substantial adverse physical impacts associated with the provision of police protection.
- iii) Schools. **Less than significant impact.** The Madera Unified School District levies a school facilities fee to help defray the impact of residential development. The proposed project will not generate a significant impact to the schools in Madera.
- iv) Parks. **Less than significant impact.** The proposed project will not generate a significant impact to the park facilities in Madera.
- v) Other public facilities. **Less than significant impact.** The proposed project will not have any impacts on other public facilities.

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XV. RECREATION

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Residential development is consistent with the City of Madera General Plan and Zoning Ordinance. Impacts in this category are not anticipated to exceed the impacts addressed in those documents.

a) **No Impacts.** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

b) **No Impacts.** The project does not include recreational facilities or facilities which might have an adverse physical effect on the environment.

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XVI. TRANSPORTATION/TRAFFIC. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The General Plan amendment and rezoning of the property could subsequently result in the residential development of the property. The goals and policies of the General Plan serve to mitigate traffic impacts that occur as a result of new development. East Yosemite Avenue (to the south), North D Street (to the east), and North Gateway Drive (to the west) are identified as arterial streets per the General Plan. East Central Avenue (to the north) is designated as a collector street. All right-of-way necessary for development of the project site is already in place.

a) **Less-Than-Significant Impacts.** The proposed project would not cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system that would result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections.

b) **Less-Than-Significant Impacts.** The project would not exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.

c) **Less-Than-Significant Impacts.** The proposed project would not result in a change in traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.

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- d) **Less-Than-Significant Impacts.** The proposed project would not increase hazards to transportation systems due to design features such as sharp curves, dangerous intersections, or incompatible uses.
- e) **No Impacts.** The proposed project would not result in inadequate emergency access.
- f) **No Impacts.** The proposed project would not result in inadequate parking capacity. Any development of the project site will include parking sufficient to serve the proposed project.
- g) **No Impacts.** The project will not conflict with adopted policies, plans, or programs supporting alternative transportation.

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XVII. UTILITIES AND SERVICE SYSTEMS. Would the project:

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: The City's community sewage disposal system will continue to comply with Discharge Permit requirements. The project will not bring about the need for new wastewater treatment facilities. The project will not significantly increase the demand on water supplies, adequate domestic water and fire flows should be available to the property. There will not be a significant reduction in the amount of groundwater otherwise available for public water supplies as a result of this project. The project will not increase the need for additional storm water drainage facilities beyond the existing and master planned drainage basin facilities that are planned to serve the project. The project area will be required to comply with the City's Master Plan, Ordinances, and standard practices. The project will not bring about a significant increase in the demand for solid waste disposal services and facilities.

a) **No Impacts.** The project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.

b) **No Impacts.** The proposed project would not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

c) **No Impacts.** The proposed project would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

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- d) **Less-Than-Significant Impacts.** There will be sufficient water supplies available to serve the project.
- e) **No Impacts.** The project would not require a determination by a wastewater treatment provider.
- f) **No Impacts.** The project would be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- g) **No Impacts.** The project will be required to comply with federal, state, and local statutes as well as regulations related to solid waste by the City of Madera.

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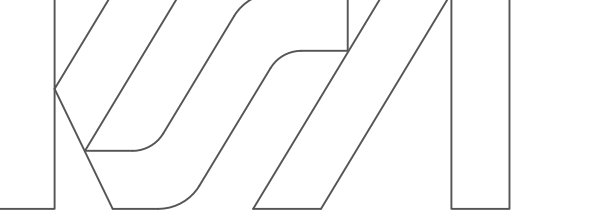
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

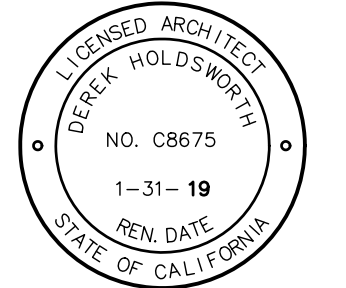
Determination:

Based upon staff analysis and comments from experts, it has been determined that the proposed project could generate some limited adverse impacts in the areas of Aesthetics, Air Quality, Noise, Public Services, Utilities, and Transportation and Traffic.

The potential impacts identified in this Initial Study are considered to be less than significant since they will cease upon completion of construction or do not exceed a threshold of significance. Therefore, a Negative Declaration is the appropriate level of documentation for this project.



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Derek Holdsworth AIA C 8675

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HOUSING
PROJECT**

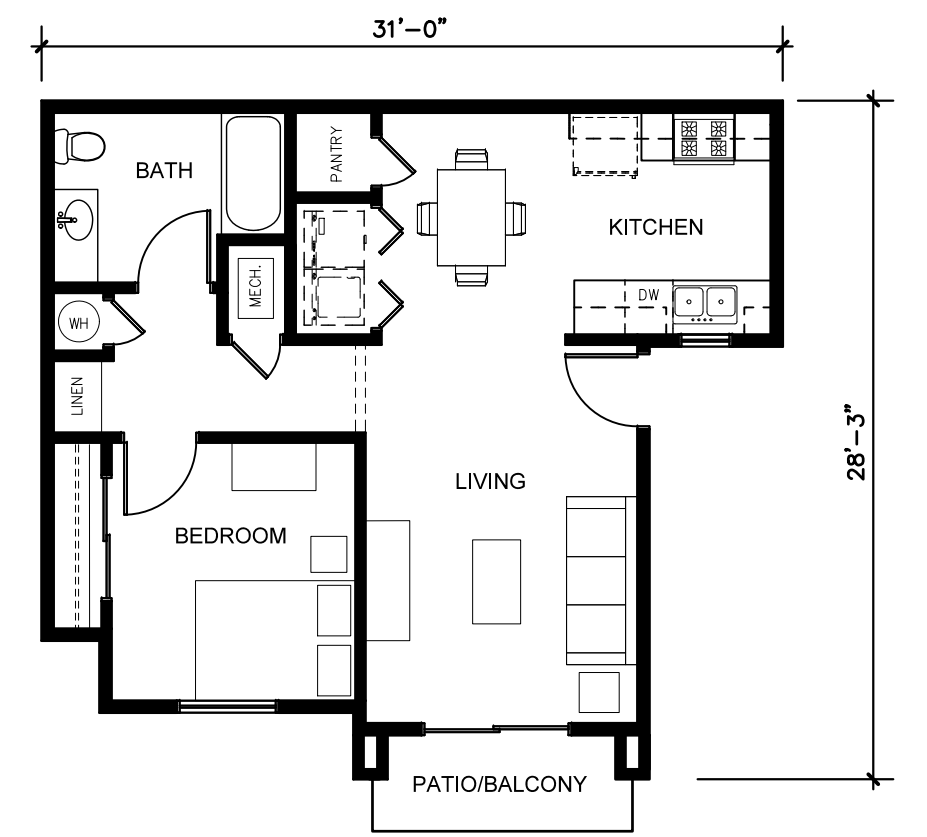
**MADERA
CALIFORNIA**

**S.E.C. Dyer Ave.
& Highway 99**

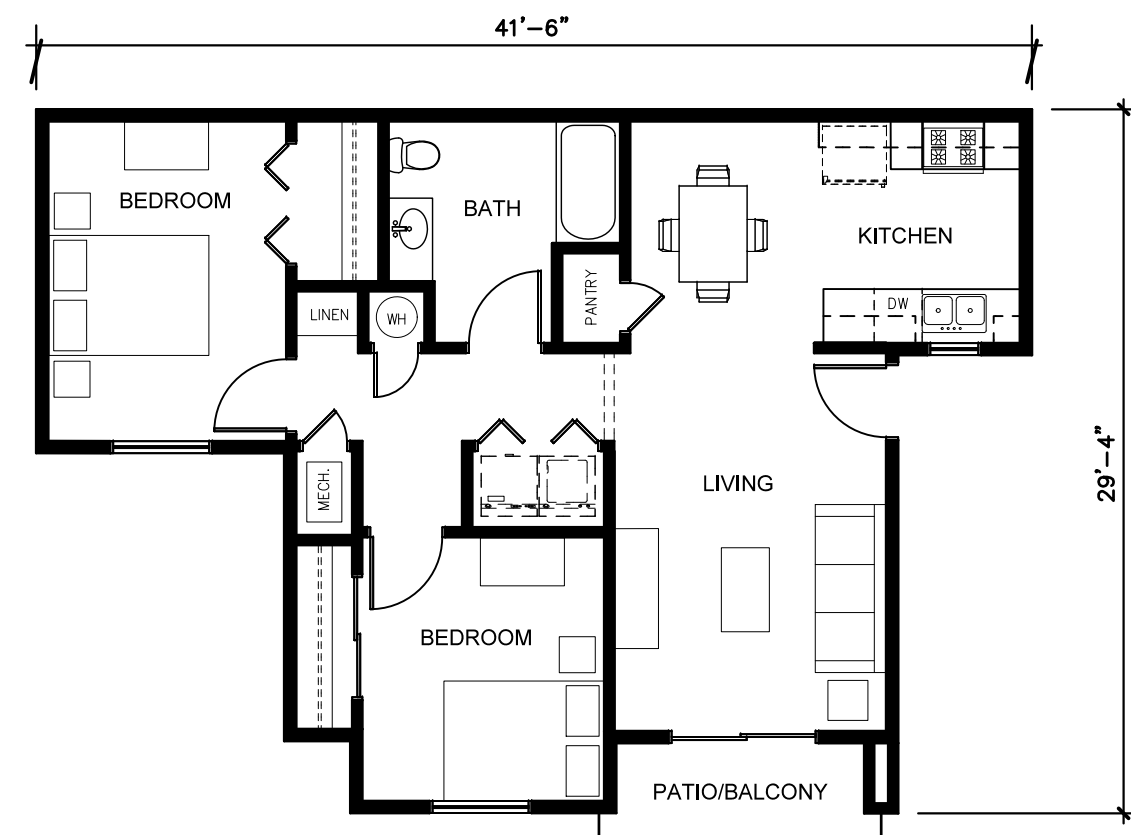
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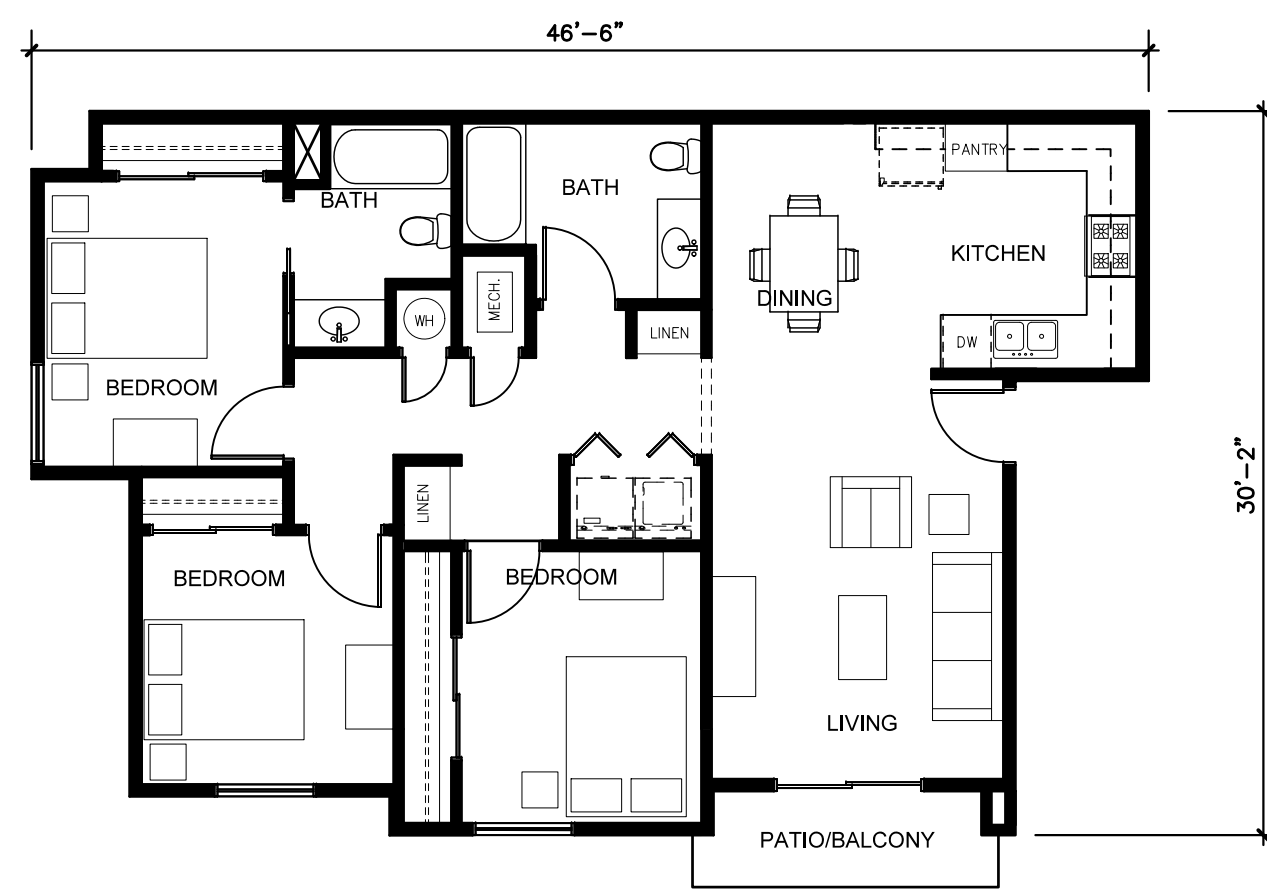
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Visalia, CA**



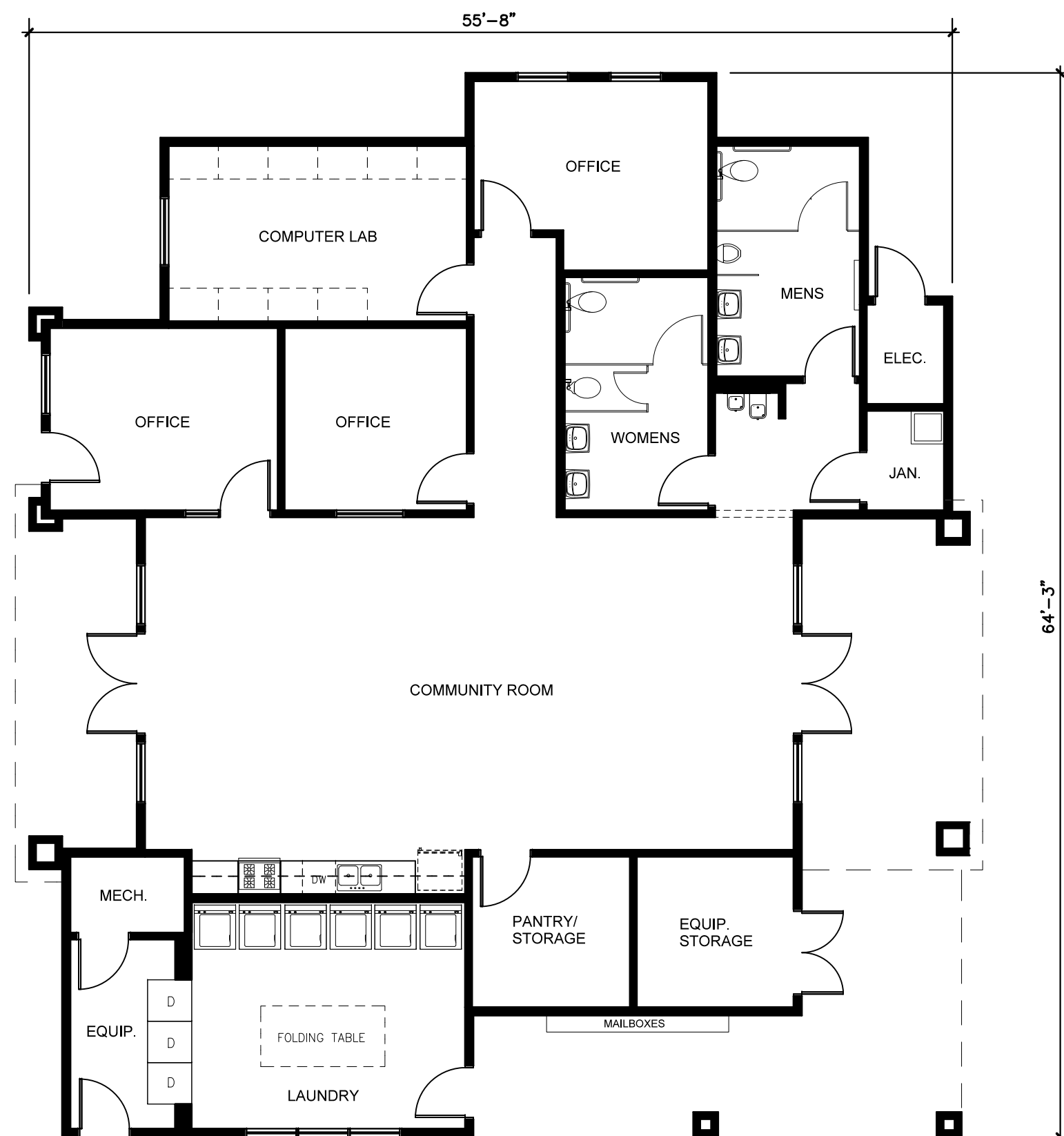
ONE BEDROOM FLOOR PLAN 650 SF



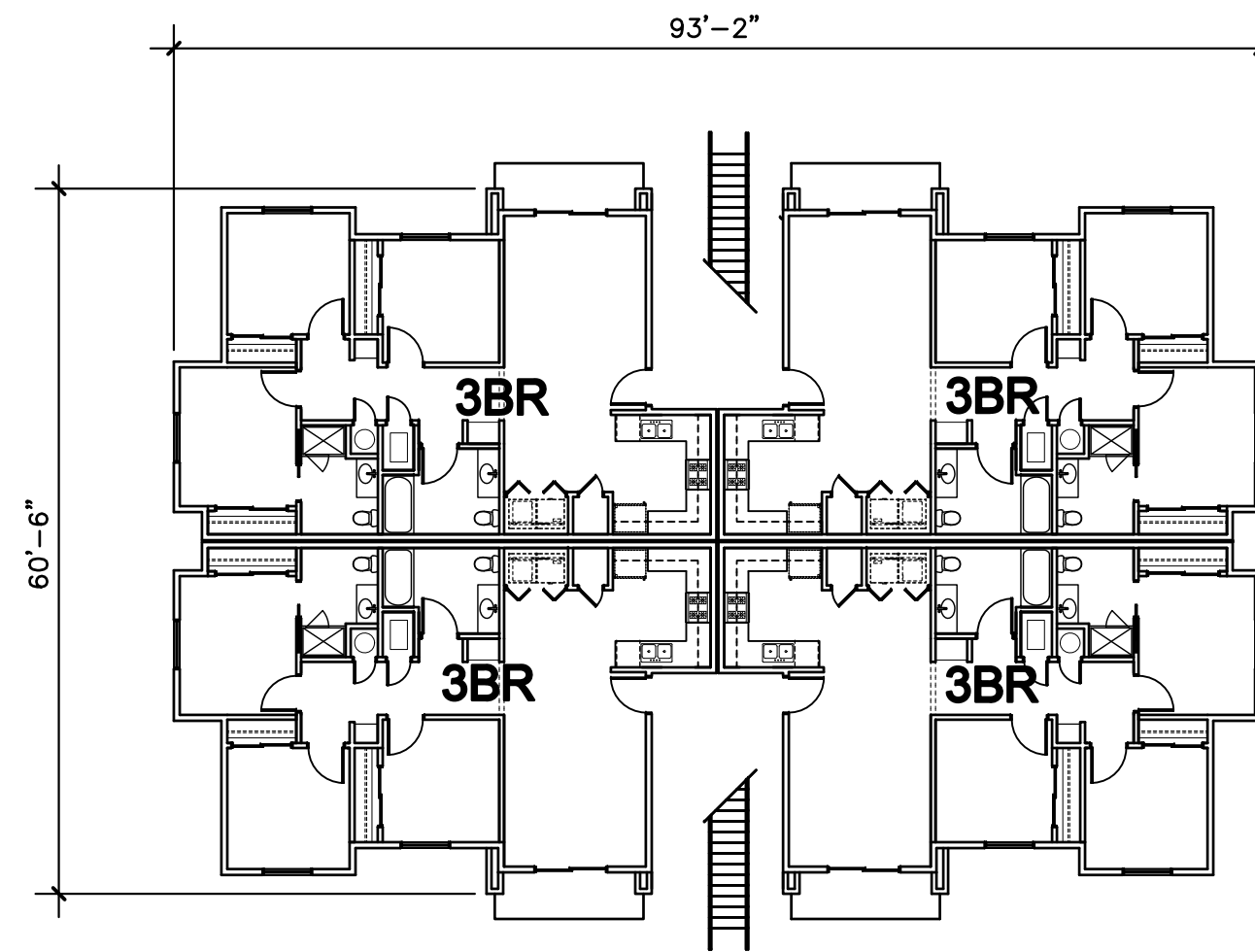
TWO BEDROOM FLOOR PLAN 845 SF



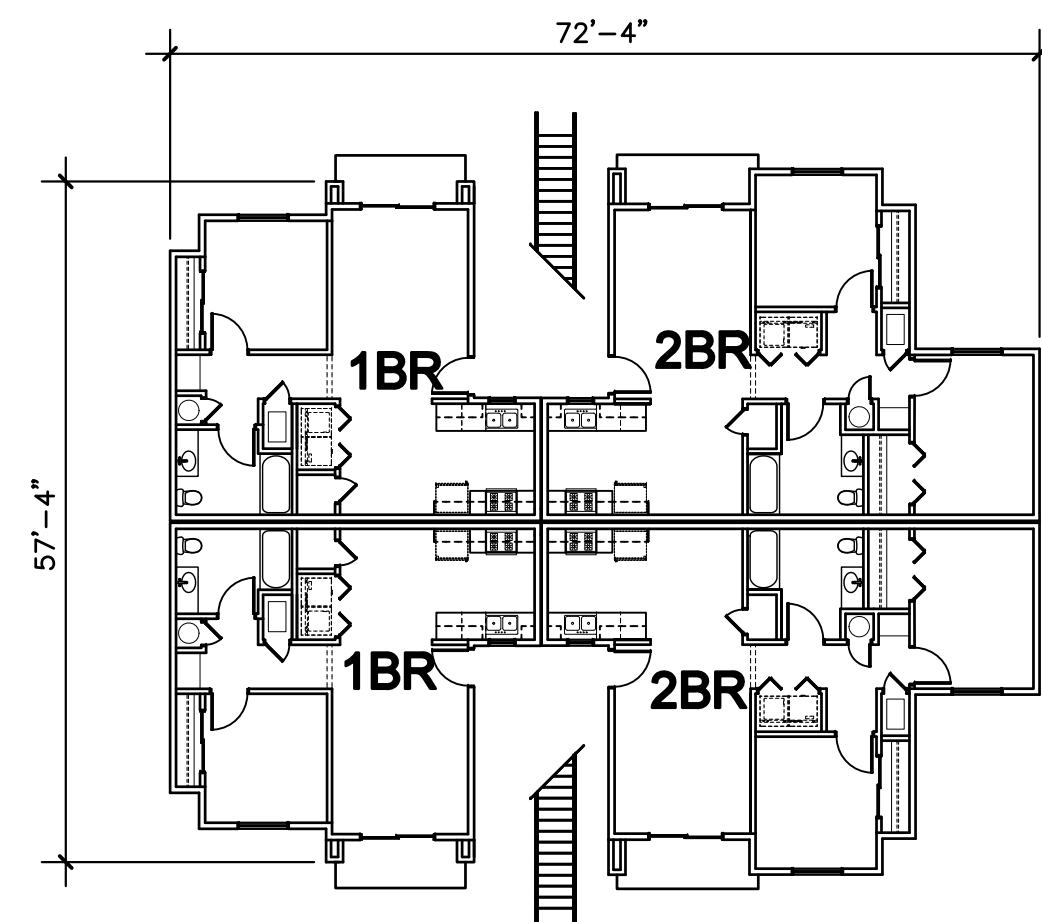
THREE BEDROOM FLOOR PLAN 1116 SF



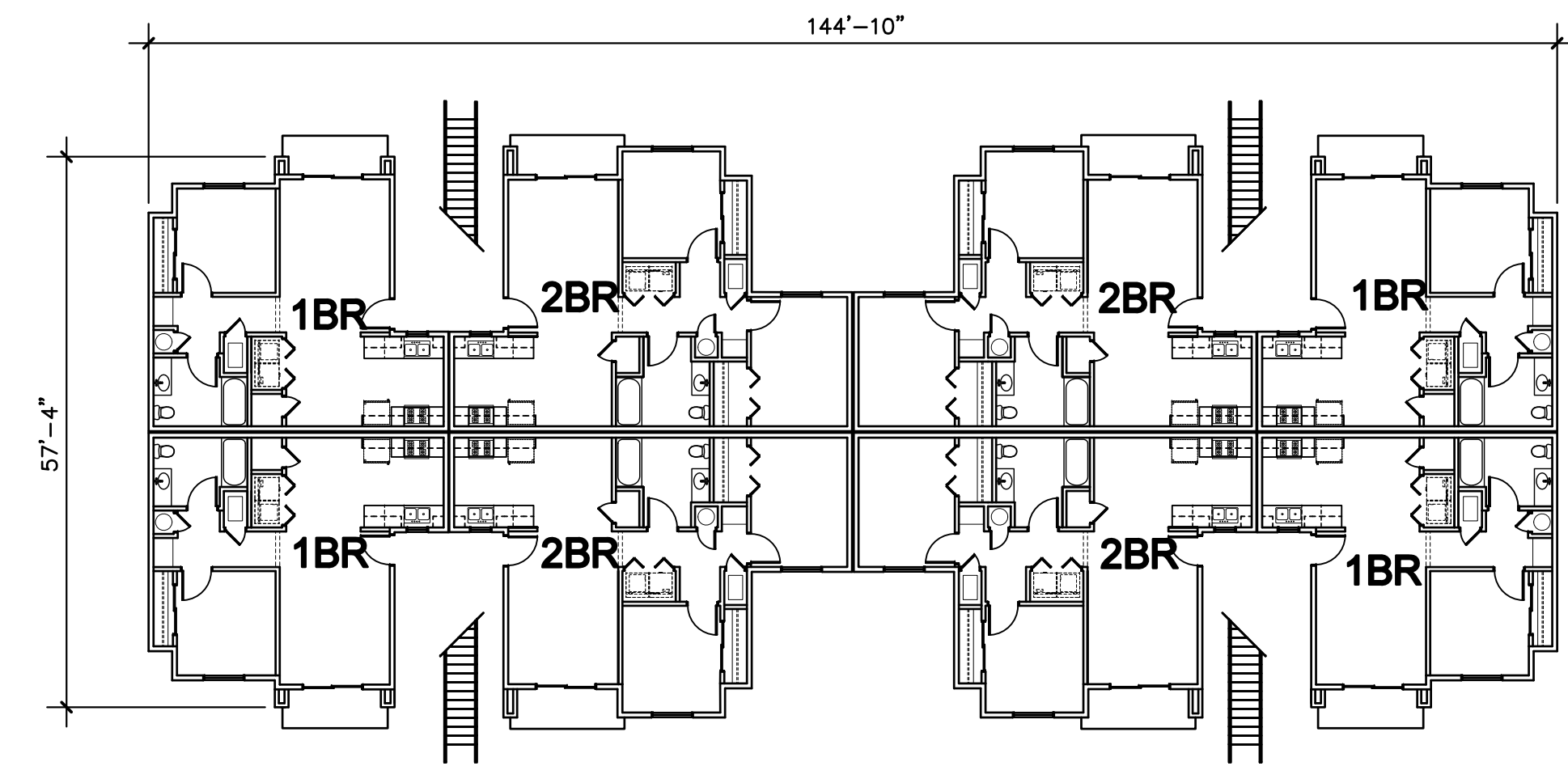
BUILDING E COMMUNITY BUILDING FLOOR PLAN 2506 SF



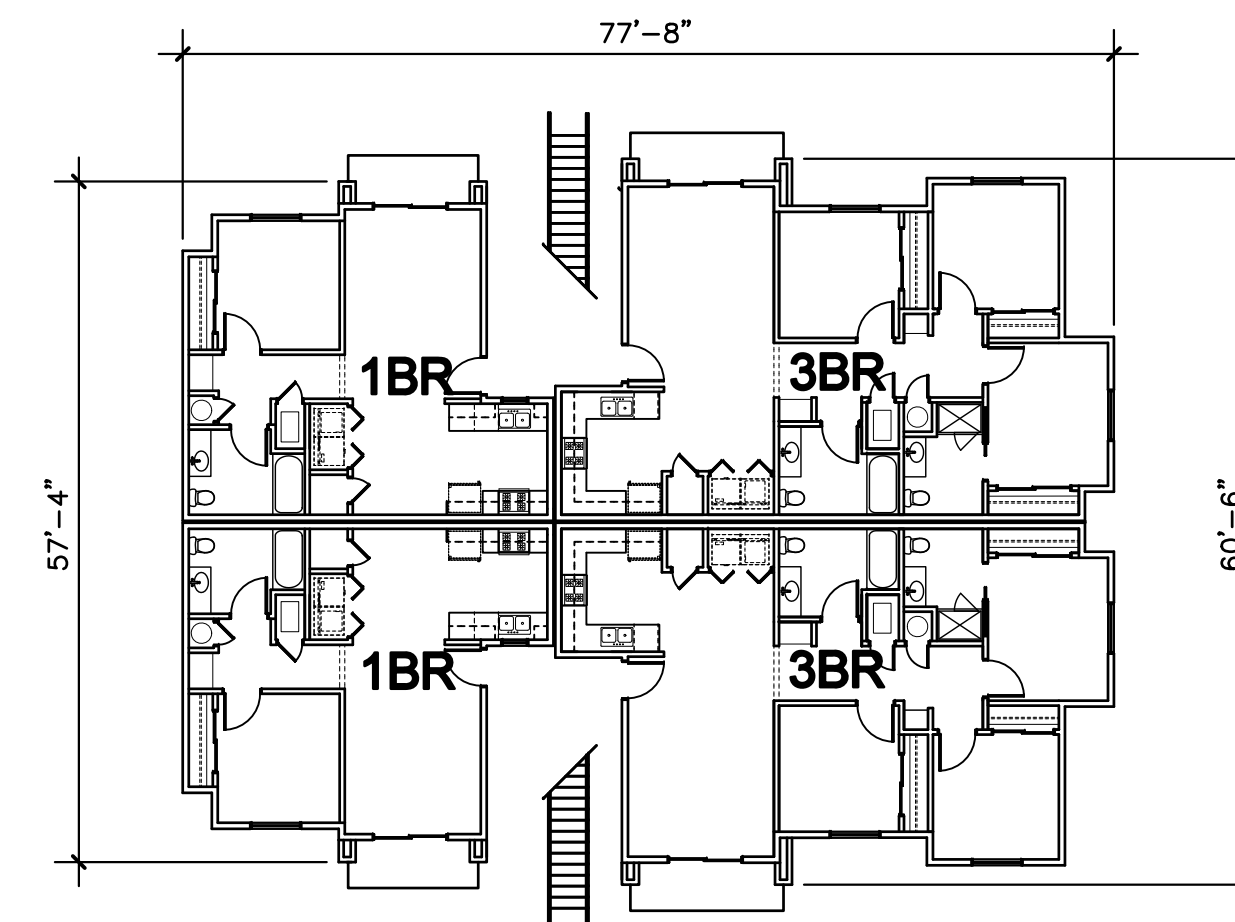
BUILDING A 3 BEDROOM TWELVE-PLEX



BUILDING C 1 & 2 BEDROOM TWELVE-PLEX



BUILDING B 1 & 2 BEDROOM TWENTY-FOUR-PLEX



BUILDING D 1 & 3 BEDROOM EIGHT-PLEX

BUILDING PLANS

1/16" = 1'-0"

PLOT DATE: 11/9/2018 PLOT TIME: 11:21 AM PLOT NAME: (D:\B\K\A\G\Projects\18\2936\Drawings\Bldg Plans\Madera\2936_S11.dwg

FLOOR PLANS

1/8" = 1'-0"

Every reasonable effort has been made in the preparation of these documents to ascertain and comply with all applicable codes and ordinances. However, in that these requirements are subject to change and interpretation, no warranty is given or implied relative to these documents level of compliance. Furthermore, nothing shown in or omitted from these documents shall relieve the contractor from full compliance with any such codes and ordinances.

Before commencement of work, these documents shall be reviewed by the contractor for any discrepancies or conflicts in dimensions, notes, or references. Any items that become apparent during this review process or during construction shall be referred immediately to the Architect for clarification. Any work proceeding without such notification shall become the responsibility of the contractor.

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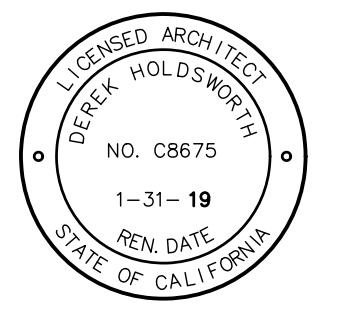
No.	Description	Date

**FLOOR PLANS
BUILDING PLANS**

Scale: Job No: 2936 Sheet No: Date: 11/9/18 of **A2** sheets



4660 American Avenue Suite 200
Bakersfield, California 93309
(661) 834-1331 FAX (661) 834-1376



Derek Holdsworth AIA C 8675

PROJECT INFORMATION

SITE AREA: 3.54 ACRES GROSS
2.76 ACRES NET

EXIST. ZONING: PD-1500

GEN. PLAN: HD

DENSITY: 20 UNITS/NET.AC.

OPEN AREA REQUIRED: 42,000 SF

OPEN AREA PROVIDED: 47,008 SF

UNIT BREAKDOWN:

1 BR. UNITS: 22 UNITS
2 BR. UNITS: 18 UNITS
3 BR. UNITS: 16 UNITS

TOTAL: 56 UNITS

PARKING REQUIRED:

1 BR. UNITS: 22 SPACES
2 BR. UNITS: 36 SPACES
3 BR UNITS: 32 SPACES
GUEST: 14 SPACES

TOTAL: 104 SPACES

PARKING PROVIDED: 104 SPACES

COVERED PARKING: 56 SPACES

H.C. ACCESSIBLE: 5 SPACES

BUILDING TYPES

BUILDING A: 3BR 12 PLEX
3 STORY

BUILDING B: 1 & 2 BR 24 PLEX
3 STORY

BUILDING C: 1 & 2 BR 12 PLEX
3 STORY

BUILDING D: 1 & 3 BR 8 PLEX
2 STORY

BUILDING E: COMMUNITY BLDG.

TOTAL BLDG. AREA: 54,031 SF

AN AFFORDABLE 56 UNIT MULTI-FAMILY HOUSING PROJECT

MADERA CALIFORNIA

S.E.C. Dyer Ave. & Highway 99

FOR



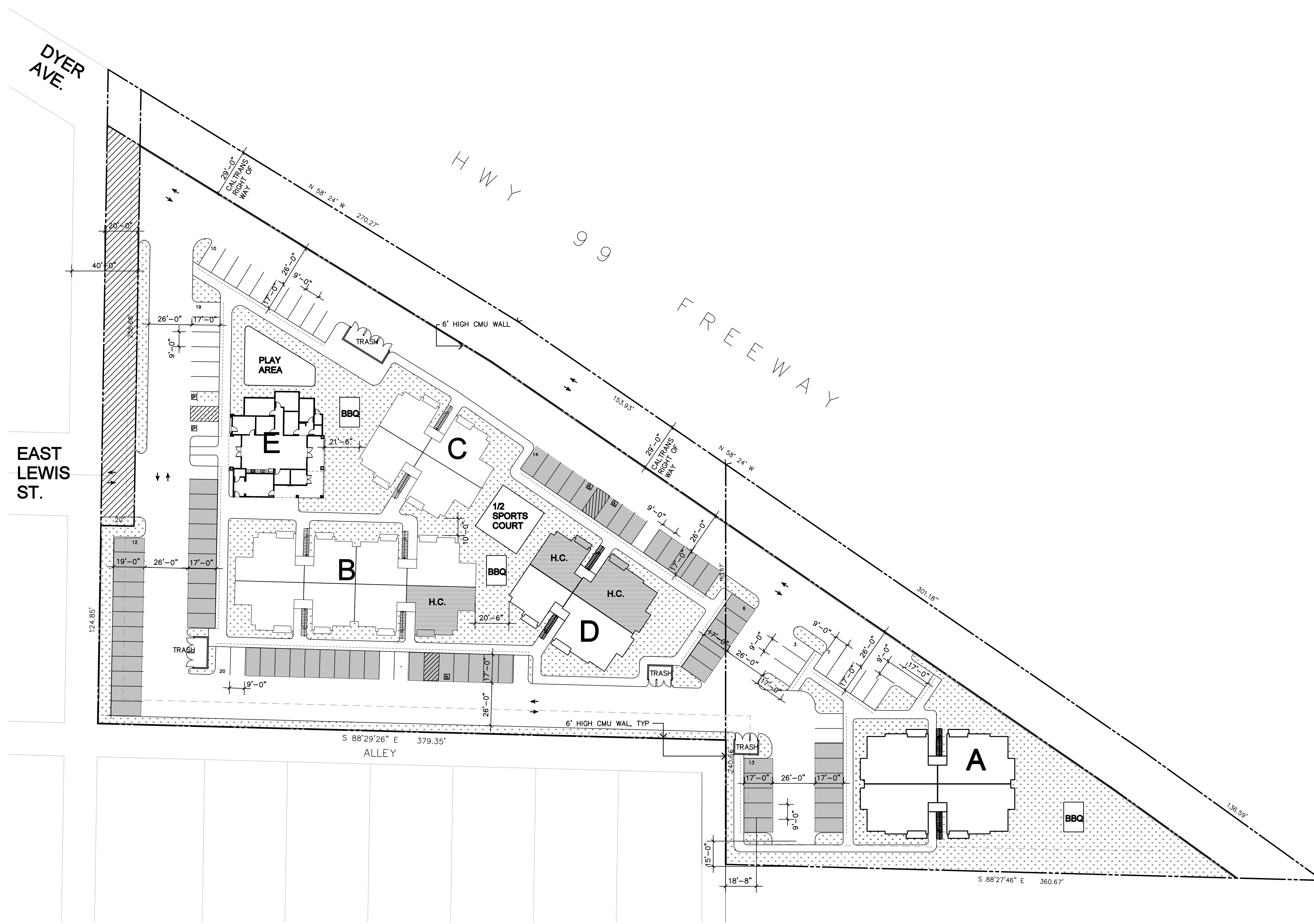
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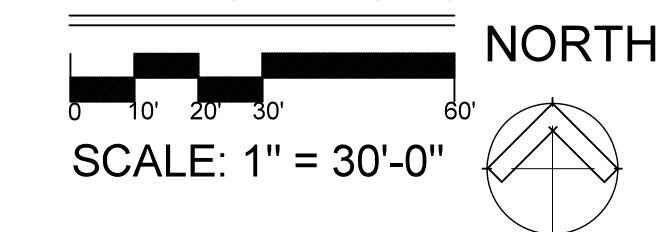
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PROPOSED SITE PLAN



LEGEND

- COVERED PARKING
- LANDSCAPE AREAS
- ADA ACCESSIBLE UNIT
- PARCEL TO BE DEVELOPED TO CREATE 40 FOOT WIDE RESIDENTIAL ACCESS ROAD.

No.	Description	Date
Revisions		

SITE PLAN

Scale:	Job No:	Sheet No:
	2936	A1
Date:	11/9/18	of sheets

Attachment 3: Aerial Map: Proposed Project



ATTACHMENT 4: Resolution

Resolution 20-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AUTHORIZING SUBMITTAL OF A JOINT APPLICATION TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR INFILL INFRASTRUCTURE GRANT PROGRAM FUNDING IN AN AMOUNT NOT TO EXCEED \$6 MILLION TO CONSTRUCT OFF-SITE IMPROVEMENTS FOR A 52-UNIT AFFORDABLE APARTMENT COMPLEX (SUGAR PINE VILLAGE FORMERLY KNOWN AS MADERA VILLAGE) AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH SELF-HELP ENTERPRISES TO APPLY AS JOINT APPLICANTS FOR SAID FUNDS

WHEREAS, The City of Madera is established under the laws of California and empowered to enter into an obligation to receive local and state funds to promote affordable housing efforts; and

WHEREAS, the California Department of Housing and Community Development (“HCD”) has issued a Notice of Funding Availability (“NOFA”) for the Infill Infrastructure Grant Program (IIG) established under the Housing and Emergency Shelter Trust Funds Act of 2006 (Proposition 1C) pursuant to the Infill Infrastructure Grant Program established in Part 12 of Division 31 of the Health and Safety Code, commencing with Section 53559; and

WHEREAS, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature, subject to the terms and conditions of the statute and the IIG Program Guidelines of 2019 of October 30, 2019 and amended February 14, 2020; and

WHEREAS, Self-Help Enterprises (SHE) is a non-profit corporation authorized to do business in the State of California; and

WHEREAS, City and SHE wish to jointly apply for and receive an allocation of funds through the IIG Program in conjunction with the 52-unit affordable rental housing project being developed by SHE, Sugar Pine Village formerly known as Madera Village, and to memorialize their collaboration in a Memorandum of Understanding, as attached.

NOW, THEREFORE, the City of Madera finds, determines, resolves and orders as follows:

1. The recitals listed above are true and correct.
2. The City authorizes the submittal of a joint application with SHE to HCD in response to the NOFA issued on October 30, 2019, to participate in the Infill Infrastructure Grant Program and to request an allocation of funds not to exceed \$6 Million for off-site infrastructure improvements associated with Sugar Pine Village formerly known as Madera Village, a 52-unit rental project located in Madera, CA.
3. If the application for funding is approved, City hereby agrees to use the Infill Infrastructure Grant Program funds for eligible activities in the manner presented in its application as approved by HCD in accordance with applicable statutes and regulations.
4. The Mayor is authorized to execute in the name of the City the application, the Standard Agreement, and all other documents required by HCD for participation in the Infill Infrastructure Grant Program, and any amendments thereto as well as the disbursement of funds during the term of the grant.
5. The City Council approves a Memorandum of Understanding (MOU) between SHE and the City of Madera, attached hereto as exhibit to the resolution, and authorizes the Mayor to execute the MOU.
6. This resolution is effective immediately upon adoption.

* * *

**MEMORANDUM OF UNDERSTANDING
BETWEEN
SELF-HELP ENTERPRISES
AND
CITY OF MADERA**

This Memorandum of Understanding (MOU) will serve to describe a framework between **SELF-HELP ENTERPRISES (SHE)** and the **CITY OF MADERA (CITY)**, collectively (**PARTIES**), for the purpose of a joint application for the for Infill Infrastructure Grant (IIG) Program funds by **SHE** to the California Department of Housing and Community Development under the IIG Program relating to the Sugar Pine Village (formerly known as Madera Village) affordable housing project.

WHEREAS, the California Department of Housing and Community Development (HCD) has issued a Notice of Funding Availability (NOFA) for the established IIG Program under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) pursuant to the IIG Program established Program Guidelines under Part 12 of Division 31 of the Health and Safety Code, commencing with Section 53559.

WHEREAS, pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature, subject to the terms and conditions of the statute and the IIG Program Guidelines of 2019 implemented on July 31, 2019 and amended February 14, 2020; and

WHEREAS, SHE and the CITY wish to apply jointly for and receive an allocation of funds through the IIG Program; and

WHEREAS, SHE is in the process of developing a 52-unit affordable rental housing project in the City of Madera on E. Lewis Street off of Madera Avenue known as Sugar Pine Village (formerly known as Madera Village) and has received all requisite land use entitlements from City; and

WHEREAS, SHE is only eligible to apply for IIG Program funds if the City is a co-applicant; and

WHEREAS, it is in the best interest of the City that affordable rental housing be developed and for the City to apply for the grant as co-applicant with SHE; and

WHEREAS, the IIG Program funds can be utilized for the construction, rehabilitation, demolition, relocation, preservation, acquisition, or other physical improvements of water, sewer, or other utility service improvements and relocation; street, road, and bridge construction and improvement; facilities that support pedestrian or bicycle transit; traffic mitigation devices, such as street signals; site clearance, grading, preparation and demolition; sidewalk or streetscape improvements; and storm drains, stormwater retention basins, culverts, and similar drainage features.

NOW THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference and are made part of this MOU, the Parties mutually agree as follows:

1. Effective Date. The effective date of this MOU shall be March 4, 2020.
2. Representations and Obligations.
 - (a) SHE and the CITY will apply as joint applicants for IIG Program funding in conjunction with the Sugar Pine Village project.
 - (b) SHE will prepare and compile all application materials. The CITY shall be responsible for providing the executed resolution, the required legal disclosures and forms for the grant application, and information on pro-housing policies in the City. SHE will prepare all other materials. CITY shall review all submissions to HCD prior to submittal.
 - (c) SHE will take sole responsibility for administration of the IIG Program grant, including all reporting, contracting, construction, compliance, and other implementation duties as required for the successful utilization of IIG Program funds. SHE will provide CITY a copy of all reporting and compliance documents and any and all supporting documentation submitted as part of the administration process.
 - (d) SHE will ensure the General Contractor hired to construct the IIG Program improvements pays prevailing wages, obtains appropriate encroachment permits and any other applicable permits, meets the CITY's insurance requirements, and the work includes a 100% performance, labor, and materials bond.
 - (e) SHE understands the CITY's involvement in the IIG Program grant is subject to review and approval of the Standard Agreement issued by HCD for use of the IIG Program funds.
 - (f) This MOU relates solely to the application for the IIG Program grant referenced above, and if a grant is received, to the implementation of the grant.
 - (g) All conditions set forth in the City of Madera's Planning Commission's approval of the Precise Plan (PPL 2018-07) shall remain in full force and effect and remain the sole responsibility of SHE.
3. Breach. Should either party breach the terms and conditions of this MOU, the parties may avail themselves of all legal remedies.

4. Termination.

- (a) **Non-Allocation of Funds** - The terms of this MOU are contingent on the approval of funds by the appropriating government agency. Should sufficient funds not be allocated under the referenced application for IIG Program funds, this MOU shall be deemed terminated and null and void.
- (b) **For Cause** - This MOU may be terminated by CITY for SHE's failure to comply with the MOU and/or failure to comply with the requirements of the Standard Grant Agreement and grant conditions by providing written notice at least thirty (30) days in advance of the effective date of such termination.

5. Insurance. Without limiting SHE's indemnification of City, and prior to commencement of Work, SHE shall obtain, provide, and continuously maintain at its own expense during the term of the Agreement, and shall require any and all Subcontractors and Subconsultants of every Tier to obtain and maintain, policies of insurance of the type and amounts described below and in form satisfactory to the City.

(a) *Minimum Scope and Limits of Insurance*

SHE shall maintain limits no less than:

- **\$2,000,000 General Liability** (including operations, products and completed operations) per occurrence, \$4,000,000 general aggregate, for bodily injury, personal injury and property damage, including without limitation, blanket contractual liability. Coverage shall be at least as broad as Insurance Services Office (ISO) Commercial General Liability coverage form CG 00 01. General liability policies shall be endorsed using ISO form CG 20 10 that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- **\$2,000,000 Automobile Liability** combined single limit per accident for bodily injury or property damage at least as broad as ISO Form CA 00 01 for all activities of SHE arising out of or in connection with Work to be performed under this Agreement, including coverage for any owned, hired, non-owned or rented vehicles. Automobile Liability policies shall be endorsed to provide that the City and its officers, officials, employees and agents shall be additional insureds under such policies.
- **Worker's Compensation** as required by the State of California and **\$1,000,000 Employer's Liability** per accident for bodily injury or disease. SHE shall submit to the City, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of the City, its officers, agents, employees, and volunteers.

(b) *Maintenance of Coverage.* SHE shall procure and maintain, for the duration of the contract, insurance against claims for injuries to persons or damages to property, which may arise from or in connection with the performance of the Work hereunder

by SHE, its agents, representatives, employees, subcontractors or subconsultants as specified in this Agreement.

- (c) *Proof of Insurance.* SHE shall provide to the City certificates of insurance and endorsements, as required, as evidence of the insurance coverage required herein, along with a waiver of subrogation endorsement for workers' compensation. Insurance certificates and endorsements must be approved by the City prior to commencement of performance. Current evidence of insurance shall be kept on file with the City at all times during the term of this Agreement. City reserves the right to require complete, certified copies of all required insurance policies, at any time.
- (d) *Acceptable Insurers.* All insurance policies shall be issued by an insurance company currently authorized by the Insurance Commissioner to transact the business of insurance in the State of California, with an assigned policyholders' Rating of A- (or higher) and a Financial Size Category Class VII (or larger), in accordance with the latest edition of Best's Key Rating Guide.
- (e) *Waiver of Subrogation.* All insurance coverage maintained or procured pursuant to this agreement shall be endorsed to waive subrogation against the City, its elected or appointed officers, agents, officials, employees, and volunteers, or shall specifically allow SHE, or others providing insurance evidence in compliance with these specifications, to waive their right of recovery prior to a loss. SHE hereby waives its own right of recovery against the City and shall require similar written express waivers and insurance clauses from each of its subconsultants or subcontractors.
- (f) *Enforcement of Contract Provisions (non estoppel).* SHE acknowledges and agrees that any actual or alleged failure on the part of the City to inform SHE of non-compliance with any requirement imposes no additional obligations on the City, nor does it waive any rights hereunder.
- (g) *Specifications not Limiting.* Requirements of specific coverage features, or limits contained in this Section are not intended as a limitation on coverage, limits or other requirements, or a waiver of any coverage normally provided by any insurance. Specific reference to a given coverage feature is for purposes of clarification only as it pertains to a given issue and is not intended by any party or insured to be all inclusive, or to the exclusion of other coverage, or a waiver of any type. If SHE maintains higher limits than the minimums required above, the City shall be entitled to coverage at the higher limits maintained by SHE.
- (h) *Notice of Cancellation.* SHE agrees to oblige its insurance agent or broker and insurers to provide to the City with thirty (30) calendar days' notice of cancellation (except for nonpayment for which ten (10) calendar days' notice is required) or nonrenewal of coverage for each required coverage.

- (i) *Self-insured Retentions.* Any self-insured retentions must be declared to and approved by the City. The City reserves the right to require that self-insured retentions be eliminated, lowered or replaced by a deductible. Self-insurance will not be considered to comply with these specifications unless approved by the City's Risk Manager.
 - (j) *Timely Notice of Claims.* SHE shall give the City prompt and timely notice of claims made or suits instituted that arise out of or result from SHE's performance under this Agreement, and that involve or may involve coverage under any of the required liability policies.
 - (k) *Additional Insurance.* SHE shall also procure and maintain, at its own cost and expense, any additional kinds of insurance, which in its own judgement may be necessary for its proper protection and prosecution of the Work.
6. Indemnification. SHE shall indemnify, defend, and hold harmless CITY and its officers, employees, agents, and volunteers ("City Indemnitees") from and against any and all causes of action, claims liabilities, obligations, judgments, or damages including reasonable legal counsel's fees and costs of litigation and claims arising out of SHE's performance of its obligations under this MOU or out of the operations conducted by SHE, except for such loss or damage arising from the sole negligence or willful misconduct of CITY. In the event the City Indemnitees are made a party to any action, lawsuit, or other adversarial proceedings arising from SHE's performance of this MOU, then SHE shall provide a defense to the City Indemnitees or at CITY'S option reimburse the City Indemnitees their costs of defense, including reasonable legal counsel's fees, incurred in defense of such claims.
7. Independent Contractor. In performance of the work, duties and obligations assumed by SHE under this MOU, it is mutually understood and agreed that SHE, including any and all of SHE's officers, agents, and employees will at all times be acting and performing as an independent contractor, and shall act in an independent capacity and not as an officer, agent, servant, employee, joint venture, partner, or associate of CITY.

Because of its status as an independent contractor, SHE and its employees, agents, officials shall have absolutely no right to employment rights and benefits available to City employees. SHE shall be solely liable and responsible for providing to, or on behalf of, its employees all legally required employee benefits. In addition, SHE shall be solely responsible and save City harmless from all matters relating to payment of SHE's employees, including compliance with Social Security withholding and all other regulations governing such matters.

8. Compliance with Laws. CITY and SHE shall comply with all applicable provisions of law and the rules and regulations, if any, of governmental authorities having jurisdiction over the subject grant funding application process. If funding contemplated under this MOU is received, SHE as the administering party shall

comply with all rules and regulations required under the grant. In administering the grant, SHE agrees to comply with all applicable local, state, and federal laws and regulations.

9. Entire MOU. This MOU constitutes the entire MOU between the Parties pertaining to the subject matter hereof and supersedes all prior and contemporaneous MOUs, representations, negotiations, and understandings of the Parties, oral or written.
10. Amendment. This MOU shall not be amended, modified, revoked, or terminated, and no obligation, duty or liability of any party may be released, discharged, or waived except by a written instrument duly executed by the Parties.
11. Attorney Fees: In the event of any arbitration, legal action, or other proceeding between the parties with respect to this MOU, or the use, enjoyment, operation, or condition of this MOU, the prevailing party shall be entitled to payment from the non-prevailing party of its reasonable attorneys' fees, arbitration fees, court costs, and litigation expenses, as determined by the arbitrator/court. The term "prevailing party" as used herein includes, without limitation, a party: (a) who agrees to dismiss an Action on the other party's performance of the covenants allegedly breached, (b) who obtains substantially the relief is has sought, or (c) against whom an Action is dismissed (with or without prejudice).
12. Venue. Any Action arising out of this MOU shall be brought in Madera County, California. This MOU shall be governed by and construed in accordance with the laws of the State of California.
13. Recitals. All recitals at the beginning of this MOU are accurate and shall constitute an integral part of this MOU, and this MOU shall be construed in light of those recitals.
14. Headings. The headings of the various sections of this MOU are included solely for reference purposes and are not intended for any purpose whatsoever to modify, explain, or place any construction on any of the provisions of this MOU.
15. Counterparts. The MOU may be executed in counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same instrument. The signature page of any counterpart may be detached therefrom without impairing the legal effect of the signature(s) thereon provided such signature page is attached to any other counterpart identical thereto except having additional signature pages executed by the other party.
16. Severability. If any of the provisions contained in this MOU are for any reason held invalid or unenforceable, such holding shall not affect the remaining provisions or the validity and enforceability of the MOU as a whole.

IN WITNESS WHEREOF, the parties have caused this MOU to be executed.

CITY OF MADERA, a municipal
corporation

SELF HELP ENTERPRISES

By: _____
Arnoldo Rodriguez
City Manager

By: _____
Tom Collishaw
President/CEO

ATTEST:

By: _____
Alicia Gonzales
City Clerk

APPROVED AS TO FORM:

By: _____
Hilda Cantú Montoy
City Attorney